Soviet Legislation on Women's Rights

Collection of Normative Acts

Progress Publishers
Moscow

Soviet Legislation on Women's Rights

Collection of Normative Acts

Progress
Publishers
Moscow

Translated from the Russian by *Vladimir Barnashov*
Designed by *Dmitry Anikeyev*

Compiled by

A. M. Belyakova, Cand. Sc. (Law)—Sections II, III
Z. S. Beliayeva, D. Sc.(Law)—Section V
N. N. Sheptulina, Cand. Sc.(Law)—Sections II, IV, V
V. N. Tolkunova. Professor, D. Sc.(Law)—Preface, Sections I, VI

ЗАКОНОДАТЕЛЬСТВО
О ПРАВАХ ЖЕНЩИН В СССР

На английском языке

First printing 1978

© Издательство «Юридическая литература», 1975

© Translation into English from a revised and enlarged Russian edition. Progress Publishers 1978

Printed in the Union of Soviet Socialist Republics

$\frac{3\ 11001—927}{014(01)—78}$ без объявл.

CONTENTS

Page

Preface 13
Abbreviations Used in This Book 21

I
GENERAL PROVISIONS

Guidelines for the Development of the National Economy of the USSR for 1976-1980. *Adopted by the 25th Congress of the CPSU on 3 March 1976* [Extract] 23

Constitution (Fundamental Law) of the Union of Soviet Socialist Republics [Extract] 27

On Elections to the Supreme Soviet of the USSR *Law of the USSR of 6 July 1978* [Extract] 29

Criminal Code of the Russian Soviet Federative Socialist Republic. *Approved by the Law of the RSFSR* of 27 October 1960 [Extract] 29

II
MATERNITY AND CHILD PROTECTION

Fundamentals of Public Health Legislation of the USSR and the Union Republics. *Approved by the Law of the Union of Soviet Socialist Republics of 19 December* 1969 [Extract] 31

Statute on the Ministry of Public Health of the USSR. *Decision of the Council of Ministers of the USSR of 17 July 1968 No. 548* [Extract] 34

On the Increase of State Assistance to Pregnant Women, Mothers of Several Children and Unmarried Mothers, on Greater Protection of Mother and Child, on the Establishment of the Mother-Heroine Honorary Title, Maternal Glory Order, and Maternity Medal. *Decree of the Presidium of the Supreme Soviet of the USSR of 8 July 1944, with subsequent amendments and additions* [Extract] 34

On the Approval of the Regulations of the Mother-Heroine Honorary Title, the Statute, the Regulations and the Description of the Maternal Glory Order of the First, Second and Third Classes and the Maternity Medal of the First and Second Classes. *Decree of the Presidium of the Supreme Soviet of the USSR of 18 August 1944, as amended by the Decree of the Supreme Soviet of the USSR of 28 May 1973* [Extract] 38

Regulations on the honorary title of Mother-Heroine 38

Statute on the order of maternity glory 39

Regulations on the maternity medal 41

Law of the Union of Soviet Socialist Republics on the Universal Military Service *of 12 October 1967* [Extract] 42

On Improving State Aid to Mothers of Several Children and Unmarried Mothers and Improving the Working and Living Conditions of Women. *Decree of the Presidium of the Supreme Soviet of the USSR of 19 May 1949* [Extract] 42

On Abolishing the Prohibition of Abortions. *Decree of the Presidium of the Supreme Soviet of the USSR of 23 November 1955* [Extract] 43

On Measures for the Further Extension of the Network of Children's Establishments and Maternity Homes and Improvement of Their Functioning. *Decision of the Council of Ministers of the RSFSR of 30 June 1949 No. 500* [Extract] 43

On the Procedure for Admitting Children and Adolescents to General Education Boarding-Schools and Children's Homes. *Decision of the Council of Ministers of the USSR of 31 January 1975 No. 90* [Extract] 44

On Regularising the Distribution of Housing and on Registering Citizens in Need of Dwellings. *Decision of the RSFSR Council of Ministers of 9 May 1963 No. 591, as supplemented by the Decision of the RSFSR Council of Ministers of 19 October 1965 No. 1178* [Extract] 45

III
RIGHTS OF WOMEN IN THE FAMILY

Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family. *Approved by the Law of the Union of Soviet Socialist Republics of 27 June 1968 No. 27* [Extract] 47

The Law of the Union of Soviet Socialist Republics of 27 June 1968. On the Approval of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family [Extract] 51

The Marriage and Family Code of the Russian Soviet Federative Socialist Republic. *Adopted by the Law of the RSFSR of 30 July 1969. Effective as of 1 November 1969* [Extract] 52

On the Practice of Application by Courts of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family. *Instructions No. 10 of the Plenary Session of the Supreme Court of the USSR of 4 December 1969 as supplemented by the Instructions No. 3 of the Plenary Session of the Supreme Court of the USSR of 12 January 1973* [Extract] 59

On Some Questions That Have Arisen in the Practice of Application by the Courts of the Marriage and Family Code of the RSFSR. *Instructions No. 3 of the Plenary Session of the Supreme Soviet of the RSFSR of 21 February 1973* [Extract] 67

IV
LABOUR RIGHTS OF WOMEN

Fundamentals of Labour Legislation of the USSR and the Union Republics. *Approved by the Law of the Union of Soviet Socialist Republics of 15 July 1970* [Extract] 75

Labour Code of the RSFSR. Approved by the Law of the Russian Soviet Federative Socialist Republic of 9 December 1971 [Extract] 78

On the Practice of Application of the Legislation on Protection of Female Labour. *Decision of the Presidium of the Supreme Soviet of the USSR of 7 July 1975* 86

On Measures to Replace Female Labour on Underground Jobs in Ore-Mining Industry and at Underground Projects. *Decision of the Council of Ministers of the USSR of 13 July 1957 No. 839* [Extract] 87

List of Underground Jobs Where Employment of Female Labour Is Permitted as an Exception. *Approved by the Decision of the State Labour and Wages Committee of the USSR Council of Ministers of 30 August 1957 No. 292* 89

On Further Measures to Improve the Working Conditions of Women Employed in the National Economy. *Decision of the USSR Council of Ministers and the All-Union Central Council of Trade Unions of 25 April 1978 No. 320* [Extract] 90

On the Additional Transfer of Some Questions of Economic and Cultural Construction to the Jurisdiction of the Councils of Ministers of the Union Republics. *Decision of the Council of Ministers of the USSR of 29 August 1957 No. 1041* [Extract] 92

On the Further Extension of the Rights of Ministers of the USSR. *Decision of the Council of Ministers of the USSR of 10 July 1967 No. 641* [Extract] 92

Safety Engineering and Production Sanitation Rules in the Heat Treatment of Metals. *Approved by the Decision of the Presidium of the Central Committee of the Machine-Building Workers' Union of 6 July 1960* [Extract] 93

Safety Engineering and Production Sanitation Rules on Electric Welding in Shielding Gases. *Approved by the Presidium of the Central Committee of the Shipbuilding Industry Workers' Union on 20 May 1970* [Extract] 93

On a More Extensive Employment of Women in Skilled Labour in Agriculture (*Pravda, 6 February 1969*) 94

Jobs and Mechanisms Where Predominantly Female Labour Is Recommended. *Approved by the State Labour and Wages Committee of the USSR Council of Ministers, the USSR Ministry of Agriculture, the USSR Ministry of Public Health and the All-Union Central Council of Trade Unions on 29 December 1969* 95

On the Working Conditions of Women Tractor- and Lorry-Drivers. *Decision of the USSR People's Commissariat of Labour of 9 May 1931 No. 110* [Extract] 98

Instructions on the Procedure for Organised Recruitment of Workers. *Approved by the Order of the State Committee for Labour Resources Employment of the RSFSR Council of Ministers of 20 March 1970 No. 16* [Extract] 99

On Measures for the Extensive Employment of Pensioners, Invalids and Housekeepers at Enterprises Producing Consumer Goods and Providing Services to the Population. *Decision of the Council of Ministers of the USSR of 28 August 1969 No. 705* [Extract] 100

On the Extensive Employment of the Unemployed Able-Bodied Population for Part-Time Work. *Letter of the State Committee for Labour Resources Employment of the RSFSR Council of Ministers of 4 September 1969 No. A-3-69* [Extract] 100

Regulations on the Allocation of Young Specialists Graduating from Institutions of Higher Learning and Specialised Secondary Educational Establishments. *Approved by the Order of the Minister of Higher and Specialised Secondary Education of the USSR of 18 March 1968 No. 220* [Extract] 101

Regulations on the Allocation of Work to Persons Graduating from Full-Time Post-Graduate Courses. *Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers of 20 February 1970 No. 41* [Extract] 101

Regulations on the Procedure for Certification of Managers, Engineers, Technicians and Other Specialists of Enterprises and Organisations in Industry, Construction, Agriculture, Transport and Communications. *Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers and the State Labour and Wages Committee of the USSR Council of Ministers of 5 October 1973 No. 470/267* [Extract] 102

Regulations on the Procedure for Certification of Workers of Research, Design and Technological Organisations and of Research Sections of Institutions of Higher Learning. *Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers, the State Building Committee of the USSR Council of Ministers in agreement with the All-Union Central Council of Trade Unions of 5 May 1969 No. 175/58* [Extract] 103

Regulations on Conducting the Certification of Junior and Secondary School Teachers. *Approved by the USSR Ministry of Education, in agreement with the All-Union Central Council of Trade Unions on June 14, 1974 [Extract]* 103

Regulations on the Procedure for Filling the Professorial and Teaching Positions at Institutions of Higher Learning. *Approved by the Order of the Minister of Higher and Specialised Secondary Education of the USSR of 15 May 1973 No. 435* [Extract] 104

Regulations on the Procedure for Holding Competitive Examinations for Filling Staff Vacancies at Theatres and Art Collectives. *Approved by the Order of the USSR Minister of Culture in agreement with the All-Union Central Council of Trade Unions and the State Labour and Wages Committee of the USSR Council of Ministers of 20 February 1960 No. 102* [Extract] 104

Safety and Production Sanitation Regulations on Painting Articles in the Engineering Industry. *Approved by the Decision of the Presidium of the Central Committee of the Engineering Workers' Union on 27 July 1960 and agreed upon with the Chief State Sanitation Inspectorate of the USSR* [Extract] 105

Sanitary Regulations on Designing, Equipping and Maintaining Warehouses for the Storage of Virulent Poisons. *Approved by the Chief Sanitary and Epidemiologic Department of the USSR Ministry of Public Health on 24 June 1965 No. 534-65* [Extract] 106

Basic Sanitary Regulations for Handling Radioactive Substances and Other Ionising Radiation Sources. *Approved by the Chief Sanitary Physician of the USSR on 10 April 1972 No. 950-72 in agreement with the All-Union Central Council of Trade Unions, USSR State Atomic Energy Committee, State Building Committee of the USSR Council of Ministers and USSR Ministry of Internal Affairs* [Extract] 106

Instructions on Safety Precautions in the Operation of Optical Quantum Generators at Research Institutions of the USSR Academy of Sciences. *Approved by the Vice-President of the USSR Academy of Sciences on 21 February 1969* [Extract] 106

On the Working Conditions of Industrial and Office Workers Employed in the Timber Industry and Forestry. *Decision of the Central Executive Committee and the Council of People's Commissars of the USSR of 7 March 1933 No. 307* [Extract] 107

Regulations on the Working Conditions in Occupations Subject to Vibration Hazards. *Approved by the Decision of the Council of Ministers of the Estonian SSR of 22 January 1973 No. 34* [Extract] 107

Recommendations on the Employment of Pregnant Women at Light Industry Enterprises. *Letter of the USSR Ministry of Public Health and the Central Committee of the Textile and Light Industry Workers' Union of 20 May 1964 No. 06-14/11-a* [Extract] 108

On Measures to Improve the Working Conditions, Sanitary and Medical Attendance of Employees at Building Projects and in the Building Materials and Construction Industries. *Decision of the USSR Council of Ministers and the All-Union Central Council of Trade Unions of 9 August 1966 No. 622* [Extract] 111

Recommendations on Facilitating Conditions for Female Labour on Heavy Construction Work in the Medium Climatic Zone. *The Recommendations have been considered and approved by the Scientific and Technical Council of the All-Union Research and Design Institute of Labour in Construction and have been agreed upon with the Central Committee of the Construction and Building Materials Workers' Union* [Extract] 112

On the Maximum Permissible Loads To Be Moved by Adolescents. *Binding the Resolution of the RSFSR People's Commissariat of Labour of 4 March 1921 extended to the whole territory of the USSR by the Decision of the USSR People's Commissariat of Labour and the USSR Supreme Economic Council of 14 November 1923 No. 154* [Extract] 115

On the Approval of the List of Jobs Which Entitle the Workers to Receive Free Medical-Prophylactic Meals in Connection with Especially Hazardous Working Conditions; the Rations of These Meals and the Rules of Their Distribution. *Decision of the Labour and Wages State Committee of the USSR Council of Ministers and the Presidium of the All-Union Central Council of Trade Unions of 10 February 1961 No. 122/3* [Extract] 116

On the Procedure for Granting Additional Leave Without Pay to Nursing Mothers (Until the Child Reaches the Age of One). *Explanation issued by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on 30 March 1970 No. 4/11* 117

On the Procedure for Calculating the Average Earnings To Be Retained by Pregnant Women and Nursing Mothers When They Are Transferred to Other Work. *Explanation issued by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on 15 May 1975 No. 121/14* [Extract] 119

Instructions on the Procedure for Application of the List of Hazardous Industries, Workshops, Trades and Professions Where Workers Are Entitled to Additional Leave and Shorter Working Hours. *Approved by the Decision of the Labour and Wages State Committee of the USSR Council of Ministers and the Presidium of the All-Union Central Council of Trade Unions of 21 November 1975 No. 273/П-20* [Extract] 119

On the Procedure for Calculating Annual Working Hours for Certain Categories of Workers at Public Catering Enterprises Offering Seasonal Work. *Explanation by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions of 28 November 1962 No. 23/29* [Extract] 120

Statute on the Rights of a Factory or Office Trade Union Committee. *Approved by the Decision of the Presidium of the Supreme Soviet of the USSR of 27 September 1971* [Extract] 120

Regulations on the Commission of the Presidium of the All-Union Central Council of Trade Unions (AUCCTU) for Work among Women. *Decision of the Presidium of the All-Union Central Council of Trade Unions of 10 October 1969, Minutes No. 19, para 9* 121

Regulations on the Commission for Work Amongst Women in Factory and Office Trade Union Committees. *Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of September 3, 1976* [Extract] 124

Regulations Governing the Work of Trade Union Technical Inspectors. *Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 26 August 1966, as amended and supplemented by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 20 January 1969* [Extract] 126

On Public Inspectors for Labour Protection. *Decision of the USSR Council of People's Commissars of 30 June 1931* [Extract] 127

Regulations on Public Inspectors for Labour Protection. *Approved by the Presidium of the All-Union Central Council of Trade Unions on 21 January 1944* [Extract] 127

On the Practice of Consideration Given by the Courts to Cases of Reinstatement. *Directive of the Plenary Session of the Supreme Court of the USSR of 22 January 1974* [Extract] 128

On the Application by the Courts of the Norms of the RSFSR Labour Code Governing Female Labour. *Directive of the Plenary Session of the Supreme Court of the RSFSR No. 6 of 17 September 1975* [Extract] 128

Model Rules of the Collective Farm. *Adopted by the Third All-Union Congress of Collective Farmers and approved by the Decision of the CC CPSU and the USSR Council of Ministers of 28 November 1969 No. 910* [Extract] 130

Model Internal Regulations for Collective Farms. *Approved by the All-Union Collective Farm Council Decision of 4 March 1970* [Extract]..... 131

Statute of Trade Unions of the USSR. *Approved by the 13th Trade Unions Congress and partly amended by the 14th Trade Unions Congress on 4 March 1968 and by the 15th Trade Unions Congress on 24 March 1972* [Extract] 131

Model Regulations of the Mutual Aid Fund under a Trade Union Committee. *Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 23 November 1973* [Extract] 132

V

SOCIAL INSURANCE AND SOCIAL WELFARE FOR WOMEN

Regulations on the Procedure for Granting and Paying Allowances to Pregnant Women, Mothers of Several Children and Unmarried Mothers, *Approved by the Decision of the USSR Council of Ministers of 12 August 1970 No. 659* [Extract] 133

On the Payment of Allowances for the Children of Servicemen on Active Duty. *Decision of the USSR Council of Ministers of 25 October 1963 No. 1108* [Extract] 145

Regulations on the Procedure for Granting and Paying Allowances for Children of Low-Income Families. *Approved by the Decision of the USSR Council of Ministers of 25 September 1974 No. 752* [Extract] 145

On Improving the Provision of Maternity and Sick-Child-Care Allowances. *Decision of the USSR Council of Ministers of 26 July 1973 No. 530* [Extract] 150

Regulations on the Procedure for Granting State Social Insurance Allowances. *Decision of the Presidium of the All-Union Central Council of Trade Unions of 5 February 1955 in accordance with the Decision of the USSR Council of Ministers of 22 January 1955 No. 113, as amended and supplemented by 1 September 1973* [Extract] 151

Regulations on the Procedure for Granting Social Insurance Allowances to Collective-Farm Members. *Decision of the All-Union Collective-Farm Council and the Presidium of the All-Union Central Council of Trade Unions of 4 March/15 April 1970, as amended by the Decision of the Presidium of the All-Union Central Council of Trade Unions and the Presidium of the All-Union Collective-Farm Council of 27 September 1973* [Extract] 156

Rules for Calculating a Continuous Length of Service of Industrial and Office Workers When Granting State Social Insurance Allowances. *Approved by the Decision of the USSR Council of Ministers of 13 April 1973 No. 252* [Extract] 157

On the Practical Application of Regulations for Calculating Continuous Service When Granting State Social Insurance Allowances to Industrial and Office Workers, as Approved by the Decision of the Council of Ministers of the USSR of April 13, 1973 No. 252. *Explanation given by the Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on 6 October 1975 No. 15/24* 159

Regulations on the Procedure for Granting Maternity Allowances to Women Collective-Farm Members. *Approved by the Decision of the USSR Council of Ministers of 4 November 1964 No. 915, as amended by the Decision of the USSR Council of Ministers of 9 April 1969 No. 265 "On Amending the Procedure for Granting Maternity Allowances to Women Collective-Farm Members" and the Decision of the USSR Council of Ministers of 26 July 1973 No. 530 "On Improving the Provision of Maternity and Child Care Allowances"* [Extract] 160

On the Procedure for Issuing Medical Certificates to the Insured. *Instructions of the All-Union Central Council of Trade Unions and the USSR People's Commissariat of Public Health. Approved by the Decision of the Council of People's Commissars of the USSR of 14 August 1937 No. 1382, as amended and supplemented by the All-Union Central Council of Trade Unions and the USSR Ministry of Public Health in accordance with the Decision of the USSR Council of Ministers of 22 January 1955 No. 113 and other amendments in the legislation as of 1 September 1973* [Extract] 166

On the Additional Privileges for Workers in the Far North and Equivalent Areas. *Decision of the Presidium of the USSR Supreme Soviet of 26 September 1967* [Extract] 168

Instructions on the Procedure for Granting Privileges to Workers in the Far North and Equivalent Areas. *Approved by the Decision of the State Labour and Wages Committee of the USSR Council of Ministers and the*

Presidium of the All-Union Central Council of Trade Unions of 16 December 1967 No. 530/П-28 as amended and supplemented by the Decisions of 21 January 1971 and 7 July 1972 [Extract] 169

Instructions on the Procedure for Planning, Distributing and Issuing Vouchers for Accommodation in Sanatoria, Holiday Hotels, Rest Homes and for Treatment at Health Resorts. *Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 5 October 1962. Partially amended Decision of the Presidium of the All-Union Central Council of Trade Unions of 1 August 1969* [Extract] 171

Instructions of the All-Union Central Council of Trade Unions, USSR Ministry of Trade and USSR Ministry of Public Health on the Organisation of Dietetic (Health-Promoting) Meals. *Approved by the Decision of the Secretariat of the All-Union Central Council of Trade Unions of 9 August 1968, USSR Ministry of Trade and USSR Ministry of Public Health, as amended and supplemented, in agreement with the USSR Ministry of Trade, USSR Ministry of Public Health, by the Decision of the Secretariat of the All-Union Central Council of Trade Unions of 4 May 1973* [Extract] 172

Regulations on the Procedure for Granting and Paying State Pensions. *Approved by the Decision of the USSR Council of Ministers of 3 August 1972 No. 590, as amended by the Decisions of the USSR Council of Ministers of 21 November 1973 No. 852 and 7 March 1975* [Extract] 173

On the Measures to Improve Working Conditions and to Retain Machine-Operators in Agriculture. *Decision of the CPSU Central Committee, USSR Council of Ministers and the All-Union Central Council of Trade Unions of 14 April 1971 No. 222* [Extract] 180

On the Approval of the List of Industries and Trades Entitling Women Machine-Operators to an Old-Age Pension on Reaching 50 with a Service Length of at Least 20 Years, Including at Least 15 Years in These Trades. *Decision of the USSR Council of Ministers of 21 April 1975 No. 311* [Extract] 181

List of Industries and Trades Entitling Women Machine-Operators to an Old-Age Pension on Reaching 50 with a Service Length of at Least 20 Years, Including at Least 15 Years in These Professions 181

On the System of Applying the List of Jobs and Professions which Entitle Women to Receive an Old-Age Pension at 50, Provided They Have 20 or More Years of Service at Least 15 of Which Have Been Spent in This Work. *Explanation given by the State Labour and Wages Committee under the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions (AUCCTU) on June 15, 1976, No. 11/17 Approved by the Decision of the Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the AUCCTU June 15, 1975 No. 183/17* 182

Law of the Union of Soviet Socialist Republics on Pensions and Allowances to Collective-Farm Members of 15 July 1964. *As amended by the Decree of the Presidium of the USSR Supreme Soviet of 26 September 1967 "On Further Improvement of Pension Maintenance" and the Decree of the Presidium of the USSR Supreme Soviet of June 1971 "On the Measures for Further Improvement of Pension Maintenance of Collective Farmers"* [Extract] 184

On Granting Old-Age Pensions of a Privileged Nature to Mothers of Several Children (Including Adopted Children) Referring to Paragraph 17 of the Resolution on Granting State Pensions and Paragraph 9 of the Resolution Granting Pensions to Collective-Farm Members. *Explanation of the Labour and Wages State Committee under the USSR Council of Ministers of March 22, 1976 No. 4* 185

VI
MAJOR INTERNATIONAL LEGAL ACTS ON WOMEN'S RICHTS RATIFIED BY THE USSR

Universal Declaration of Human Rights. *Adopted and proclaimed by the Gencral Assembly of the United Nations on 10 December 1948* [Extract] 187

Declaration on the Elimination of Discrimination Against Women. *Proclaimed by the General Assembly of the United Nations on 7 November 1967* 190

On the Ratification of the Convention on the Political Rights of Women. *Decree of the Presidium of the USSR Supreme Soviet of 18 March 1954* 195

Convention on the Political Rights of Women [Extract] 195

On the Ratification of the Convention of the International Labour Organisation No. 100 of 29 June 1951 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. *Decree of the Presidium of the USSR Supreme Soviet of 4 April 1956* 196

Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value [Extract] 196

On the Ratification of the Conventions of the International Labour Organisation (ILO). *Decree of the Presidium of the USSR Supreme Soviet of 6 July 1956* [Extract] 198

Convention No. 103 Concerning Maternity Protection (*revised in 1952*) [Extract] 198

On the Ratification of the Convention on the Nationality of Married Women. *Decree of the Presidium of the USSR Supreme Soviet of 28 August 1958* 202

Convention on the Nationality of Married Women [Extract] 203

On the Ratification of the Conventions of the International Labour Organisation (ILO). *Decree of the Presidium of the USSR Supreme Soviet of 31 January 1961* [Extract] 204

Convention No. 45 Concerning the Employment of Women on Underground Work in Mines of All Kinds [Extract] 204

Convention No. 111 Concerning Discrimination in Respect of Employment and Occupation [Extract] 205

Subject Index 209

PREFACE

The 27th General Assembly of the United Nations proclaimed the year 1975 International Women's Year. Held under the motto of "Equality—Development—Peace", it was not only a stage in the struggle for women's genuine equality in every country and for the abolition of discrimination against women in countries where it still exists, but it also enhanced the efforts of women in the struggle for peace and comprehensive development of women's personality.

The resolution by the United Nations on the International Women's Year urged:

to strive for equality between men and women;

to promote a higher role of women in the economic, political, social and cultural life of countries;

to promote their active participation in the struggle for the development of friendship and co-operation between nations, for peace and social progress.

As emphasised in a declaration by the Women's International Democratic Federation (WIDF), International Women's Year makes it possible: to enhance the role of woman in society, draw attention to the necessity of implementing the Declaration on the Elimination of Discrimination against Women adopted by the General Assembly of the United Nations in 1967, rally the public for active efforts at international and national levels in the struggle for the advancement of women and the removal of obstacles in their exercise of their rights.

The WIDF recommended to national organisations, among other measures:

to direct all efforts to involve women in joint action in the struggle for the attainment of their rights, for the happiness of children, and for national independence, democracy and peace;

to organise, in their respective countries, a thorough study of

the legislation on the living conditions of women and children;

to strive for the implementation in all countries of the Declaration of the Rights of the Child;

to carry out a constant exchange of experience and spread knowledge of the achievements of women in other countries.

These recommendations of the United Nations and WIDF are valid for the decade ending 1985 since the United Nations approved the plan of world action for equality of women.

The Conference of the Communist Parties of the European capitalist countries, which took place in Rome on 15-17 November 1974 had on its agenda "The Situation of Women in Capitalist Countries". The Declaration adopted by the Conference noted that the question of the condition of women is more pressing today than ever before, primarily because of the growing contradiction between the desire of more and more women to take part in economic and public life and enjoy full equality with men, and the policies pursued by big capital. Women are harshly exploited in the capitalist world in the interests of the monopolies, and therefore are the first to suffer from recessions and crises. Women workers are paid less and their working conditions are worse. It is ever harder for women to combine the duties of workers and mothers.

The Declaration emphasises that only socialism can create real and reliable conditions for equality, completely abolish discrimination for all time, and give every woman opportunities to fully develop her capabilities.

As far back as in 1919 V. I. Lenin noted that "in the course of two years of Soviet power in one of the most backward countries of Europe, more has been done to emancipate woman, to make her the equal of the 'strong' sex, than has been done during the past 130 years by all the advanced, enlightened, 'democratic' republics of the world taken together".[1]

In the very first months of its existence, the Soviet Republic legislatively did "everything required of us to put women in a position of equality".[2]

Recognising for women not only the role of workers, but also their social role of motherhood, as well as their part in public and state affairs, the Soviet state, besides the general norms of

---

[1] V. I. Lenin, *Collected Works*, Vol. 30, p. 122.

[2] Ibid., p. 43.

law, enacts special norms granting women additional rights and privileges. The latter give women real possibilities to exercise their constitutional rights on a par with men, including, first and foremost, the right to work as the most vital of them all.

Women's right to employment, ensured in fact in the Soviet Union, is one of the social rights enjoyed by working women, and as such it expresses the degree of democratism of the social and state system.

Advanced socialism ensures each able-bodied woman a guaranteed job according to her abilities, with equal pay with men for equal work, and with working conditions that are safe for her physical make-up and maternity.

The following four lines have been invariably pursued and developed in Soviet legislation on women's rights:

1) the consistent facilitation of working conditions for women, and providing them with relatively easier jobs;

2) increased labour protection for pregnant women, nursing mothers and women with children under one year of age, lower work quotas for them;

3) the constant increase of social maternity relief through allowances, privileges in pension receipts, a wider network of maternity and child welfare institutions, and nursery and extra-school establishments;

4) comprehensive legal protection of women's equality in all spheres of social life, systematic supervision and control by the state and the trade unions of the observance of legislation on women's labour rights and on special protection of their labour.

The women's question has been cardinally resolved in the Soviet Union on the scale of all society in the conditions of a multi-national state. This has been greatly promoted by the socialist state, the Communist Party and the Soviet trade unions having steadfastly shown concern for better working and living conditions for women, providing them with equal opportunities with men to improve their skills and qualifications and develop their personalities. For the first time in history the Soviet state has established maternity and childhood protection, and set up an extensive state system for that protection, which it is constantly developing.

Each new five-year-plan period provides Soviet women with new work privileges and increases social maternity relief.

In the ninth five-year-plan period (1971-75), new labour legislation was enacted, which considerably strengthened the guarantees of women's work rights, granted new maternity privileges, prohibited the dismissal by managements of expectant mothers and those with children under one year of age, and the like.

The 25th Congress of the CPSU provided, in the current five-year-plan period—for higher old-age pension benefits for mothers with large families, the introduction of partially paid leave for working mothers for child care till the infant is one year old, the further improvement of women's working and living conditions, the construction of pre-school child care establishments for 2.5-2.8 million children, the considerable expansion of the network of extra-school establishments, etc.

Soviet legislation on women's rights is humane and democratic, helping woman to combine work in industry with child-bearing.

The present Collection includes the special norms granting additional rights and privileges to women in their exercise of the general rights in all the fields of social life. During the development of the Soviet socialist society these special norms have continued to expand, increasing the guarantees of women's equality and, as the material possibilities of the Soviet state grow, granting them ever new privileges in the exercise of their rights.

The Collection opens with general provisions, and contains articles of the Constitution of the USSR on the status of women and also an extract from the documents of the 25th Congress of the CPSU on social development and higher living standards of the people (Section I).

Section II on the protection of maternity and childhood includes norms which provide for the state protection and encouragement of maternity, lay down guarantees for the health protection of mother and child, and ensure expert medical care for expectant mother, newborn infant, children and adolescents.

Section III contains legislation on the women's rights in the family. The Preamble of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family proclaims that the Soviet woman is assured all the necessary social and living conditions to blend happy maternity with ever more active and creative participation in industrial

and socio-political life. Soviet marriage and familly legislation is designed to actively facilitate the elimination of survivals of woman's unequal position in everyday life, to protect the interests of mother and child in every possible way and ensure a happy childhood for every child.

The most extensive is the legislation on the labour rights of women included in Section IV of the Collection, and also the legislation on benefits for women in social insurance and social security which makes up Section V of the Collection. Labour legislation is represented in the Collection not only by excerpts from the Fundamentals of Labour Legislation of the USSR and the Union Republics or the labour codes of the Union Republics, but by other acts as well.

The special norms of law compiled in the Collection take into account the anatomic and physiological features of the female organism with a view to protect it, and also the social role of women as conditioned by such features in childbirth and the care of young children. These norms therefore set up special protection of women's labour and increase such protection during active maternity (pregnancy, infant care). In particular, Soviet law differentiates work quotas and increases time off on the basis of the physiological features of the female organism and the social role of maternity, i.e. it establishes a lower quantity of labour for women as compared with men, with equal pay.

The trend in Soviet law to reduce work quotas for women has manifested itself since the early years of Soviet power, when nursing mothers and women with children under one year of age were granted intervals for feeding, which were regarded as working time with full pay. At present the average rate of earnings is also fully preserved when a working woman goes on prenatal-postnatal leave.

The creation of such special norms for women's labour and their equality in the family and society is scientifically grounded on the one hand, and is socially necessary for the society on the other.

Lenin considered women's labour in social production as a precondition of her economic independence and equal status with man in society.

About as many as 93 per cent of all able-bodied Soviet women are now exercising their right to work. Women comprise half of the work force in the national economy, and

59 per cent of the specialists with higher and specialised secondary education. Every fifth working Soviet woman is such a specialist.

This Collection has been compiled by women legal scholars. While in pre-revolutionary Russia higher law education was blocked to women, women in the Soviet Union make up about half of all engaged in law work in the national economy, half of all people's assessors, 32.2 per cent of people's judges, over 40 per cent of lawyers, and 80 per cent of notaries. Every fifth persecutor and investigator in the Soviet Union is a woman.

Soviet legislation on the preferential rights of women is strictly observed, which is important for women's actual equality. The observance of legislation on labour protection for women is regularly discussed in the legislative proposals commissions of the Supreme Soviet of the USSR and the Supreme Soviets of the Union Republics. Such discussions are of great importance in preventing infringements of women's labour rights, and improving their labour and living conditions.

Measures to improve the labour and living conditions of women are also carried out through collective agreements that are annually concluded at enterprises and construction sites of the country between the trade unions and management. Since 1969, on instructions of the All-Union Central Council of Trade Unions, a section has been included in collective agreements which is entitled "Improvement of Women's Working and Living Conditions" and contains local norms of the labour law granting additional privileges to women. Some collective agreements provide for lists of lighter jobs to be given mostly to women, and also for granting women with children under three years of age (in some cases under eight years of age) annual summertime leave, if they so wish, etc.

The collective agreements stipulate the construction and extension of children's pre-school establishments, sending women with children to rest homes, the withdrawal of women from unskilled manual jobs and training them in industrial skills, raising qualification categories for women, and so on.

In the five-year plans of the social development of production collectives various measures are also stipulated to advance women's personality and improve their job skills and their working and living conditions.

The achievements of the Soviet state and other socialist

countries have also exerted a progressive influence on the international legal regulation of women's labour and family relations. In the last 40 years, for example, the ILO (International Labour Organisation) has adopted a number of conventions on the rights of women establishing a certain standard (as a rule it is lower than the scope of rights enjoyed by women in the socialist countries) which is recommended for adoption by the countries which have ratified such conventions.

This Collection contains ILO conventions that have been ratified by the USSR and, as is seen from the contents of the Collection, are fully observed in the Soviet Union.

The following should be borne in mind in getting acquainted with the Collection.

To facilitate its use, many normative acts are reproduced here in extracts (which is specially mentioned after the title of the act in question), and not in full.

Being a union and federative state, the USSR's whole territory is subject to the action of laws adopted by the supreme organ of state power; moreover, each of the 15 Union Republics is subject to the laws adopted by the Republican organs of state power.

In view of this the footnote material of Sections III and IV contains the provisions of those marriage, family and labour codes of the Union Republics which differ in some way from the respective codes of the RSFSR (the Russian Soviet Federative Socialist Republic).

The names of some organs of state administration have been retained as they are indicated in the official text of the normative acts contained in the Collection.

In the texts of the normative acts adopted prior to 1 January 1961 money amounts are indicated in the then current price scale (tenfold as against the present).

Professor
V. N. Tolkunova

ABBREVIATIONS USED IN THIS BOOK

USSR — Union of Soviet Socialist Republics

CC CPSU — Central Committee of the Communist Party of the Soviet Union

RSFSR — Russian Soviet Federative Socialist Republic (the largest of the 15 Union Republics of the USSR)

SSR — Soviet Socialist Republic (a component in the names of 14, out of 15, Constituent Republics of the USSR, other than the RSFSR)

MFC — Marriage and Family Code

LC — Labour Code

I
General Provisions

GUIDELINES FOR THE DEVELOPMENT OF THE NATIONAL ECONOMY OF THE USSR FOR 1976-1980[1]

Adopted by the 25th Congress of the CPSU on 3 March 1976

[Extract]

VIII. PROGRAMME FOR SOCIAL DEVELOPMENT AND RAISING THE LIVING STANDARD OF THE PEOPLE

[Extract]

On the basis of economic growth and greater efficiency of social production, to ensure that the people's growing material and cultural needs be met more fully, that the socialist way of life be consistently developed, and that Soviet society's social structure be further improved. To attain these aims it is necessary to provide for:

improvement of the socio-economic and industrial conditions of labour, making labour more creative, and the maximum reduction in manual, semi-skilled and heavy physical labour;

raising people's incomes, raising the level and improving the structure of consumption, and a greater satisfaction of people's needs for consumer goods;

---

[1] The Guidelines have been included in this Collection as a most important political and economic document. Its main provisions were included in the new state five-year plan of the country for 1976-80 and were approved by the Supreme Soviet of the USSR on 29 October 1976 thus acquiring normative force.

effecting housing construction on a large scale and improving the quality of the housing as one of the more important directions of further improving the living standard of the people;

expanding the range and extent of services making house work easier and providing better facilities for rest and recreation;

raising working people's educational, cultural and technical levels, improving medical services, better environmental protection, and creating better conditions for mother and child care, for bringing up children, and for increasing people's life span and the period of their active life;

a further approximation of the living standards and cultural levels, working and living conditions of different social groups in Soviet society, for the urban and rural population;

a further development of socialist democracy, and increasing the working people's social activeness and initiative, and their participation in production management. To ensure the all-round development of socialist emulation and of the communist attitude to labour, and the spreading of advanced experience;

better employment of both material and moral incentives for attaining greater production efficiency and labour productivity, improving the quality of products and economic use of material resources.

To increase the average *wages of industrial and office workers* by 16-18 per cent, so that by the end of the five years it will be at least 170 roubles a month. To increase *collective farmers' incomes* from the collective farms' socialised production by an average of 24-27 per cent on the basis of rising production and labour productivity.

To increase grants and benefits to the people from *the public consumption funds* by 28-30 per cent.

To complete the introduction of measures raising the minimum wages, while simultaneously increasing wage-rates and salaries for medium-paid workers employed in the national economy's non-production sectors. To begin a new stage in raising the minimum wages, wage-rates and salaries for industrial and office workers.

To continue the implementation of measures to improve *working and living conditions for working women.*

To introduce partially-paid leave for working mothers for

child care till the infant is one year old. To ensure that women with children will enjoy greater opportunities to have a shorter workday or shorter workweek, and to work at home.

To expand the network of pre-school child-care establishments, extended-day schools and groups. To build nurseries and kindergartens for 2.5-2.8 million children. To increase the number of Young Pioneer camps, sports and health-building work camps for adolescents and young people; to give special attention to improving the work of children's institutions.

To create the conditions for cutting down time spent on house work through developing community services, public catering, increasing production and sales of ready-to-cook and ready-to-serve products.

To improve the social security system. To raise minimum retirement pensions for industrial workers, office employees and collective farmers.

To provide for a further approximation of social security benefits for the collective farmers, industrial workers and office employees. To establish pensions for former collective-farm members, with the necessary length of service on a collective farm or at a state enterprise, organisation or establishment. To introduce care allowances to pensions for collective farmers, Group One invalids.

To raise allowances for invalids since childhood, and pay them regardless of children's age.

To increase pension benefits for mothers with many children.

To make fuller use of the opportunities for greater involvement of pensioners and invalids in social labour.

To envisage further *repayment on state loans.*

To continue ensuring *stable state retail prices* on basic foodstuffs and non-foodstuff goods; to reduce prices on goods as necessary conditions are created and commodity resources accumulated.

To increase the *turnover* of state and co-operative *retail trade* by 27-29 per cent.

To ensure the Soviet people a better diet through greater consumption of the more nutritious foods such as meat, dairy products, vegetables, and fruit.

To ensure the further development of public catering, outfitting its establishments with modern equipment, supplying them with semi-prepared, mass-produced products. To

increase the variety and raise the quality of products, and improve the service. To improve the organisation of public catering at enterprises, and also of dietetic food catering.

To increase the volume of *community services* 1.5 times; 1.7 times in rural areas. To raise service standards and quality. To expand the network of community service enterprises and to provide them with modern equipment.

Using all appropriate finance sources, *to build apartment houses* with a total floor space of 545-550 million square metres. To raise the quality of housing construction, to make apartments more comfortable and better planned. To effect urban development in keeping with the development master plans, and to improve the amenities and architecture in towns and other populated areas. To ensure their provision with central water-supply systems. To continue the transition of domestic heating to major supply sources, increasingly utilising gas.

To increase the volume of co-operative housing construction. To encourage the building of one-family houses in small towns, urban-type settlements and in rural areas.

To further improve *public health services.* To introduce more widely the achievements of modern science, new methods of diagnosis and treatment into medical practice. To pay greater attention to disease prevention. To meet more fully people's needs and those of the disease-prevention and medical establishments in medicines and medical equipment. To improve the quality of medical aid and the operation of health protection establishments.

To raise allowances for food and other needs in homes for invalids and old people, maternity homes, children's and certain other specialised hospitals and departments.

To improve the training and advanced training of doctors, pharmacists and para-medical and pharmaceutical personnel.

To further develop the system of *public education* in accordance with the demands of scientific and technological progress and the aims of constantly raising the working people's cultural, technical and educational levels and improving the training of qualified workers and specialists.

To develop and improve the system of universal secondary education. To raise the standards of teaching and educational work at secondary schools. To give more attention to teaching pupils manual skills, to young people's vocational orientation,

to their education in ethics and aesthetics. To improve the quality of training and retraining teachers.

To build new schools of general education for at least 7 million pupils, including 4.5 million in rural areas.

To extend the network of Young Pioneer centres, clubs for young technicians and nature lovers, children's clubs, sports and music schools and other children's establishments.

To raise allowances for food at boarding schools and at children's homes.

To ensure the training of highly qualified young workers for all sectors of the national economy, primarily at vocational schools, which enable the students simultaneously to acquire a trade and general secondary education, as well as at technical schools.

To more than double the enrolment at secondary vocational and technical schools. To train approximately 11 million qualified workers in the vocational technical training system. At vocational schools to train 2.5 times more workers with a secondary education. To open vocational schools for 1.1-1.2 million students, and provide the necessary number of hostels for the students.

To improve on-the-job training and advanced training of industrial and other workers in mass-scale trades. To improve the work of evening (shift) secondary schools.

To train 9.6 million specialists with a higher or specialized secondary education. To give special attention to providing specialists for areas where productive forces are being intensively developed.

CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS

[Extract]

Article 20. In accordance with the communist ideal—"The free development of each is the condition of the free development of all"—the state pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities, and talents, and to develop their personalities in every way.

Article 21. The state concerns itself with improving working conditions, safety and labour protection and the scientific organisation of work, and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanisation and automation of production processes in all branches of the economy.

Article 34. Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social, and cultural life.

Article 35. Women and men have equal rights in the USSR.

Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and gradual reduction of working time for mothers with small children.

Article 42. Citizens of the USSR have the right to health protection.

This right is ensured by free, qualified medical care provided by state health institutions; by extension of the network of therapeutic and health-building institutions; by the development and improvement of safety and hygiene in production; by carrying out broad prophylactic measures; by measures to improve the environment; by special care for the health of the rising generation, including prohibition of child labour, excluding the work done by children as part of the school curriculum; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life.

Article 53. The family enjoys the protection of the state.

Marriage is based on the free consent of the woman and the man; the spouses are completely equal in their family relations.

The state helps the family by providing and developing a broad system of child-care institutions, by organising and improving communal services and public catering, by paying

grants on the birth of a child, by providing children's allowances and benefits for large families, and other forms of family allowances and assistance.

Article 66. Citizens of the USSR are obliged to concern themselves with the upbringing of children, to train them for socially useful work, and raise them worthy members of socialist society. Children are obliged to care for their parents and help them.

Article 96. Elections shall be universal; all citizens of the USSR who have reached the age of 18 shall have the right to vote and to be elected, with the exception of persons who have been legally certified insane.

ON ELECTIONS TO THE SUPREME SOVIET OF THE USSR

Law of the USSR of 6 July 1978

[Extract]

Article 3. *Equal franchise*

Elections of deputies of the Supreme Soviet of the USSR shall be equal; each citizen shall have one vote; all voters shall exercise the franchise on an equal footing.

Women and men shall have equal electoral rights.

Servicemen shall enjoy the franchise on equal terms with all other citizens.

CRIMINAL CODE OF THE RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC

Approved by the Law of the RSFSR of 27 October 1960

[Extract]

Article 134. **Impeding the Exercise of Equality of Women**

Impeding a woman to take part in state, public or cultural activities, which violates considerably equality of a woman, if it is accompanied by coercion or a threat of coercion—

shall be punishable by deprivation of liberty for a term of up to two years or with corrective labour for a term of up to one year.[1]

Article 139. **Refusal to Employ or Dismissal of a Pregnant Woman or a Nursing Mother**

Refusal to employ or dismissal of a woman on the grounds of her being pregnant or nursing a baby—

shall be punishable by corrective labour for a term of up to one year or by dismissal from office.[2]

---

[1] Similar articles are included in the criminal codes of the Azerbaijan SSR, Kazakh SSR, Kirghiz SSR, Tajik SSR, Turkmen SSR, and Uzbek SSR.

[2] Similar articles are included in the criminal codes of the other Union Republics, except the Estonian SSR and the Latvian SSR.

II

Maternity and Child Protection

FUNDAMENTALS OF PUBLIC HEALTH LEGISLATION OF THE USSR AND THE UNION REPUBLICS

Approved by the Law
of the Union of Soviet Socialist Republics
of 19 December 1969

[Extract]

SECTION V

Maternity and Child Protection

Article 38. **Encouragement of Motherhood. Guarantees for the Protection of the Health of Mothers and Children**

In the USSR motherhood shall be protected and encouraged by the state.

Protection of the health of mothers and children shall be ensured by the organisation of a wide network of maternity consultation centres, maternity homes, sanatoriums and holiday homes for pregnant women and mothers with children, crèches, kindergartens and other children's institutions; granting to women of maternity leave with the payment of social insurance benefits; time off from work to nurse the baby; payment in the established manner of benefits on the occasion of the child's birth and benefits while taking care of a sick child; prohibition to employ women on difficult and health-impairing jobs and transfer of pregnant women to easier work with the preservation of average wages; general and sanitary improvement of working and living conditions; state and public assistance to families, and other measures as provided for by the laws of the USSR and the Union Republics.

Since the aim is to protect woman's health, she shall be entitled to decide the maternity question herself.

Article 39. **Provision of Medical Aid to Pregnant Women and Newborn Children**

Public health institutions shall provide every woman with qualified medical observation during pregnancy and hospital aid during confinement, and medical and prophylactic aid to the mother and newborn child.

Article 40. **Provision of Medical Aid to Children and Adolescents**

Medical aid to children and adolescents shall be provided by medical, prophylactic and health-building institutions: children's polyclinics, dispensaries, hospitals, sanatoriums and other public health institutions. Children shall be accommodated in children's sanatoriums free of charge.

Children and adolescents shall be kept under observation by dispensaries.

Article 41. **Concern for the Strengthening and Protection of Children's and Adolescents' Health**

With a view to bringing up a healthy younger generation, harmoniously developed physically and morally, state bodies, enterprises, institutions and organisations, collective farms, trade unions and other mass organisations shall ensure the development of a wide network of crèches and kindergartens, schools, boarding schools, forest health-building schools, Younger Pioneer camps and other children's institutions.

In children's institutions and schools, children shall be ensured the necessary conditions for preserving and strengthening their health and for hygienic upbringing. The amount of studies and work and the pattern of children's schools regime shall be determined by agreement with the USSR Ministry of Public Health.

Control over the protection of children's health and the fulfilment of health-building measures in children's institutions and schools shall be exercised by public health bodies and

institutions together with the bodies and institutions of public education and with the paticipation of mass organisations.

Article 42. **State Assistance to Citizens in Looking After Children. Privileges to Mothers in the Event of Children's Illness**

The bulk of the expences on the maintenance of children in crèches, kindergartens and other children's institutions shall be defrayed by the state as well as enterprises, institutions, organisations, collective farms, trade unions and other mass organisations.

Children with physical or psychic defects shall be maintained in children's homes and other specialised children's institutions at state expence.

When it is impossible to hospitalise a sick child or in the absence of symptoms necessitating hospital treatment, the mother or any other member of the family looking after the child may be released from work and paid an allowance out of social insurance funds in the established manner.

When hospital treatment is prescribed for children below the age of one year, as well as for gravely sick children above that age who, in doctors' opinion, require maternal care, a mother shall be given a possibility to stay with her child in the hospital and shall be paid a social insurance allowance in the established manner.

Article 43. **Control Over Labour and Industrial Training and Working Conditions of Adolescents**

Industrial training of adolescents shall be permitted in professions which suit their age, physical and intellectual development and state of health. Their labour and industrial training shall be kept under systematic medical control.

Control over the observance of the adolescents' working conditions prescribed by the legislation of the USSR and the Union Republics and over the fulfilment of special measures aimed at preventing their illness, shall be exercised by public health bodies and institutions together with vocational and technical training bodies, public education bodies, trade unions, the Young Communist League and other mass organisations.

STATUTE ON THE MINISTRY OF PUBLIC HEALTH OF THE USSR

Decision of the Council of Ministers of the USSR of 17 July 1968 No. 548

[Extract]

6. The Ministry of Public Health of the USSR, besides carrying out functions stipulated by the General Statute of the Ministries of the USSR in the fields of planning, science and technology, capital construction, material and technical supply, finance and credits, personnel, labour, wages and salaries, as well as in the field of economic, scientific and cultural relations with foreign countries:

c) shall work out measures for mother and child protection; organise legal aid in the sphere of mother and child protection; carry out—together with the ministries, departments and organisations concerned—measures for labour protection of women and adolescents, for health-improvement, physical and hygienic education of children; carry out inspection of the health of children in children's pre-school and teaching and educational establishments, regardless of their departmental subordination; establish obligatory requirements in the production, sales and consumption of children's foods.

ON THE INCREASE OF STATE ASSISTANCE TO PREGNANT WOMEN, MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS, ON GREATER PROTECTION OF MOTHER AND CHILD, ON THE ESTABLISHMENT OF THE MOTHER-HEROINE HONORARY TITLE, MATERNAL GLORY ORDER, AND MATERNITY MEDAL

Decree of the Presidium of the Supreme Soviet of the USSR of 8 July 1944, with subsequent amendments and additions

[Extract]

Care for children and mothers and for consolidation of the family has always been one of the most important tasks of the Soviet state.

In protecting the interests of mother and child, the state renders great financial aid to pregnant women and to mothers for the maintenance and upbringing of children.

With a view to increasing material aid to pregnant women, mothers of several children and unmarried mothers, to encouraging women to have many children, and providing greater protection of mother and child, the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics *decrees* that:

I

On the Increase of State Aid to Mothers of Several Children and Unmarried Mothers

1. A state grant shall be paid to mothers (married or widowed) of large families with two children, at the birth of a third and each next child.

2. A monthly family grant to mothers of several children shall be paid from the second year of a child's birth until it reaches the age of five.

3. A state grant to unmarried mothers shall be paid until their children reach the age of twelve.

To unmarried mothers with three or more children, the state grant provided for by this article shall be paid in addition to the grant payable in accordance with Article 2 of the present Decree.

The right to the grant provided for in this article shall be retained by an unmarried mother if she marries.

4. If an unmarried mother wishes to send her child to a children's establishment, the latter must maintain and bring it up fully at state expense.

Such a mother may take her child back from the children's establishment so as to bring it up herself.

No state grant shall be payable for a child at a children's establishment.

II

On the Increase of Benefits to Pregnant Women and Mothers, and on the Measures to Extend the Network of Maternity and Child-Protection Establishments

9. It shall be made incumbent on the heads of enterprises and institutions to render aid to pregnant women and nursing

mothers by supplying them with additional amounts of foodstuffs from subsidiary farms.

11. The Council of People's Commissars of the USSR shall be entrusted with:

a) approving the plan of additional organisation, in republics and regions, of mother and child homes, as well as of special holiday homes for needy, unmarried pregnant women and for debilitated nursing mothers, with the use on appropriate jobs in these homes of the labour of guests;

b) approving the plan to extend the network of children's institutions under the jurisdiction of people's commissariats and departments with a view to involving all children needing care, with due provision for extending the network of children's consultation clinics and infant-feeding centres, organising crèches for babies, evening groups in kindergartens and obstetric establishments in the areas liberated from the German invaders;

c) providing for the obligatory organisation at enterprises and institutions where female labour is used on a mass scale, of crèches, kindergartens, rooms for baby nursing and women's rooms for personal hygiene;

d) making it incumbent on people's commissariats, in projecting industrial construction, to provide for the construction of children's establishments (crèches, kindergartens, mother-and-child rooms) with a view to involving all the children of women workers at a given enterprise who need the services of such establishments;

e) approving measures for the considerable expansion of the output of children's clothes, footwear, articles of hygiene and sanitation, etc. both for children's establishments and for sale to the population, as well as measures to extend the network of shops producing children's clothes, and the network of mother-and-child shops.

III

On the Establishment of the Maternity Medal, Maternal Glory Order and Mother-Heroine Honorary Title

12. The Maternity Medal of the First and Second Class shall be established for the decoration of mothers who have born

and brought up: five children—with a Second Class Medal; six children—with a First Class Medal.

13. The Maternal Glory Order of the First, Second and Third Classes, shall be established for the decoration of mothers who have born and brought up:

seven children—with a Third Class Order;

eight children—with a Second Class Order;

nine children—with a First Class Order.

14. A mother who has born and brought up ten children shall be awarded the honorary title of Mother-Heroine and awarded the Order of Mother-Heroine and a Certificate of the Presidium of the Supreme Soviet of the USSR.

15. The Maternal Glory Order, the Maternity Medal and the Mother-Heroine honorary title shall be awarded when the latest child reaches the age of one, provided that the other children of the mother are alive.

When awarding such decorations to a mother, the following children shall also be taken into account: those legally adopted by a mother; those killed or missing while defending the USSR or while performing other duties of military service or while performing the obligation of the citizen of the USSR in saving human life, protecting socialist property and socialist law and order, as well as those who died as a result of wounds, shock, mutilation or disease under the said circumstances or as a result of a labour injury or an occupational disease.

31. The organs of the procurator's office, in conformity with the criminal legislation in force, shall institute proceedings against persons guilty of illegal performance of abortions, coercing women to make an abortion, insulting and humiliating the dignity of mothers, and persistent non-payment of alimony for the maintenance of children.

ON THE APPROVAL OF THE REGULATIONS OF THE MOTHER-HEROINE HONORARY TITLE, THE STATUTE, THE REGULATIONS AND THE DESCRIPTION OF THE MATERNAL GLORY ORDER OF THE FIRST, SECOND AND THIRD CLASSES AND THE MATERNITY MEDAL OF THE FIRST AND SECOND CLASSES

Decree of the Presidium of the Supreme Soviet of the USSR of 18 August 1944 as amended by the Decree of the Supreme Soviet of the USSR of 28 May 1973

[Extract]

Pursuant to the Decree of the Presidium of the Supreme Soviet of the USSR of 8 July 1944 "On the Increase of State Assistance to Pregnant Women, Mothers of Several Children and Unmarried Mothers; on Greater Protection of Mother and Child, on the Establishment of the Mother-Heroine Honorary Title, Maternal Glory Order and Maternity Medal", the Presidium of the Supreme Soviet of the USSR *decrees* that:

1. The Regulations of the Mother-Heroine honorary title and the Description of the Mother-Heroine Order shall be approved.

2. The Statute and the Description of the Maternal Glory Order of the First, Second and Third Classes shall be approved.

3. The Regulations and the Description of the Maternity Medal of the First and Second Classes shall be approved.

REGULATIONS ON THE HONORARY TITLE OF MOTHER-HEROINE

1. The honorary title of Mother-Heroine shall be conferred by Decree of the Presidium of the Supreme Soviet of the USSR on mothers who have born and brought up ten children.

2. The honorary title of Mother-Heroine shall be conferred when the latest child reaches the age of one, provided the mother's other children are alive.

In conferring the honorary title of Mother-Heroine, the following children shall also be taken into account: those legally adopted by a mother; those killed in action or missing while defending the USSR or while performing other duties of military service or while performing the obligation of the citizen of the USSR in saving human life, protecting socialist property and socialist law and order, as well as those who have died as a result of a wound, shock, mutilation or disease under the said circumstances or as a result of industrial injury or occupational disease.

3. Mothers who have been awarded the honorary title of Mother-Heroine shall be presented with the Order of Mother-Heroine and a Certificate of the Presidium of the Supreme Soviet of the USSR.

4. The Order of Mother-Heroine and the Certificate of the Presidium of the Supreme Soviet of the USSR shall be conferred by the Presidium of the Supreme Soviet of the USSR or on behalf of the Presidium of the Supreme Soviet of the USSR by the Presidiums of the Supreme Soviets of the Union and Autonomous Republics.

5. The Order of Mother-Heroine shall be worn on the left side of the breast, above all other orders and medals.

7. After the decease of the mother awarded the honorary title of Mother-Heroine, her family shall keep the Order of Mother-Heroine and the Certificate of the Presidium of the Supreme Soviet of the USSR in remembrance.

STATUTE
ON THE ORDER OF MATERNAL CLORY

1. The Order of Maternal Glory shall be conferred on mothers who have born and brought up seven, eight or nine children.

2. The Order of Maternal Glory shall be conferred on behalf of the Presidium of the Supreme Soviet of the USSR by Decrees of the Presidiums of the Supreme Soviets of the Union and Autonomous Republics (*in the redaction of the Decree of the*

Presidium of the Supreme Soviet of the USSR of 25 April 1956 "On Amending the Procedure of Awarding the Order of Maternal Glory on Mothers of Several Children").

3. The Order of Maternal Glory shall consist of three Classes:

the Order of Maternal Glory of the First Class,

the Order of Maternal Glory of the Second Class, and

the Order of Maternal Glory of the Third Class.

The First Class shall be the highest in the Order.

4. The Order of Maternal Glory shall be awarded:

to mothers who have born and brought up seven children—an Order of the Third Class,

to mothers who have born and brought up eight children—an Order of the Second Class.

to mothers who have born and brought up nine children—an Order of the First Class.

5. The Order of Maternal Glory of the corresponding Class shall be awarded when the latest child reaches the age of one, provided the other children of the mother are alive.

In the award of the Order of Maternal Glory, the following children shall also be taken into account: those legally adopted by a mother; those killed in action or missing while defending the USSR or while performing other duties of military service or while performing the obligation of the citizen of the USSR in saving human life, protecting socialist property and socialist law and order, as well as those who died as a result of a wound, shock, mutilation or disease under the said circumstances or as a result of an industrial injury or an occupational disease.

6. Mothers with eight or nine children shall receive only one Order of Maternal Glory of the corresponding Class.

7. The Order of Maternal Glory of the First, Second and Third Classes shall be awarded on behalf of the Presidium of the Supreme Soviet of the USSR by the Presidiums of the Supreme Soviets of the Union and Autonomous Republics and by the Executive Committees of the regional, territorial, town and district Soviet of Working People's Deputies.

8. The Order of Maternal Glory of the First, Second and Third Classes shall be worn on the left side of the breast, and above all other orders and medals.

10. After the decease of a mother, the order of Maternal Glory, together with the Order Certificate, shall be kept by her family in remembrance.

REGULATIONS ON THE MATERNITY MEDAL

1. The Maternity Medal shall be conferred on mothers who have born and brought up five or six children.

2. The Maternity Medal shall be conferred on behalf of the Presidium of the Supreme Soviet of the USSR by Decrees of the Presidiums of the Supreme Soviets of the Union and Autonomous Republics.

3. The Maternity Medal shall be of two Classes:

Maternity Medal of the First Class,

Maternity Medal of the Second Class.

The First Class shall be the higher Class of the Medal.

4. The Maternity Medal shall be conferred on:

mothers who have born and brought up five children—a Medal of the Second Class;

mothers who have born and brought up six children—a Medal of the First Class.

5. The Maternity Medal of the corresponding Class shall be awarded when the latest child reaches the age of one, provided that the other children of the mother are alive.

In conferring the Maternity Medal, the following children shall also be taken into account: those legally adopted by a mother; those killed or missing while defending the USSR or while performing other duties of military service or while performing the obligation of the citizen of the USSR in saving human life, protecting socialist property and the socialist law and order, as well as those who have died as a result of a wound, shock, mutilation or disease under the said circumstances or as a result of industrial injury or occupational disease.

6. Mothers who have six children shall receive only one Medal of the First Class.

7. The Maternity Medal of the First and Second Classes shall be conferred on behalf of the Presidium of the Supreme Soviet of the USSR by the Presidiums of the Supreme Soviets of the Union and Autonomous Republics and by the Executive Committees of the regional, territorial, town and district Soviets of Working People's Deputies.

8. The Maternity Medal of the First and Second Class shall be worn on the left side of the breast, and next to or below other orders and medals.

9. After the decease of the mother the Maternity Medal together with the Medal Certificate shall be kept by her family in remembrance.

LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE UNIVERSAL MILITARY SERVICE

of 12 October 1967

[Extract]

Article 32. It shall be the duty of the Executive Committees of the Soviets of Working People's Deputies:

d) to take care of families of citizens called up for active military service, and to take measures for strict observance of the legislation in force on the privileges and grants to these families; within a month from application, to provide jobs for wives of men who have been called up for active service and within the same period to place their children at available crèches and kindergartens, irrespective of the departmental jurisdiction of these children's establishments.

ON IMPROVING STATE AID TO MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS, AND IMPROVING THE WORKING AND LIVING CONDITIONS OF WOMEN

Decree of the Presidium of the Supreme Soviet of the USSR of 19 May 1949

[Extract]

1. When a child of an unmarried mother has been legally transferred for upbringing to a guardian (as a result of the death of the mother, illness or other reasons) the state grant due to her for the upbringing of the child shall be determined and paid to the guardian.

3. Payment for the maintenance of unmarried mothers' children in kindergartens and crèches shall be reduced by 50 per cent if the mothers' earnings do not exceed 600 roubles a month.

ON ABOLISHING THE PROHIBITION OF ABORTIONS

Decree of the Presidium of the Supreme Soviet of the USSR of 23 November 1955

[Extract]

The measures taken by the Soviet state to encourage maternity and to protect childhood, as well as the constant growth of the consciousness and culture of women, who are participating actively in all spheres of the country's economic life, make it possible at present to end the legislative prohibition of abortions.

Fewer abortions may henceforth be ensured by further expansion of state measures to encourage maternity, as well as by measures of an educative and explanatory character.

Abolishing the prohibition of abortions will also eliminate the great harm caused to the health of women by abortions performed outside of medical establishments and very often by unqualified persons.

To enable women to decide the problem of maternity for themselves and also to prevent the injurious effect on women's health of extra-hospital abortions, the Presidium of the Supreme Soviet of the USSR *decrees*:

2. That it shall be permitted to perform the operation of artificial abortion only in hospitals and other medical establishments in conformity with the Instructions of the Ministry of Public Health of the USSR[1].

ON MEASURES FOR THE FURTHER EXTENSION OF THE NETWORK OF CHILDREN'S ESTABLISHMENTS AND MATERNITY HOMES AND IMPROVEMENT OF THEIR FUNCTIONING

Decision of the Council of Ministers of the RSFSR of 30 June 1949 No. 500

[Extract]

8. It shall be the duty of territorial and regional Executive Committees, the Councils of Ministers of Autonomous Repub-

[1] No fee is charged for these operations.

lics, city Executive Committees of republican (RSFSR) subordination, the RSFSR Ministry of Public Health and the RSFSR Ministry of Education:

a) to take measures to radically improve the functioning of children's establishments and maternity homes, establish control over the work of children's establishments and the construction of buildings for them, provide the erection of children's establishments with local construction materials, work force and transport, supply children's establishments and maternity homes with articles of equipment and high-quality products, especially dairy produce and vegetables;

e) to establish strict control over the organisation of nourishment in children's and obstetric establishments through systematic analyses of the caloric value of the daily ration by laboratory methods and through regular checking of the correctness of the expenditure of products.

ON THE PROCEDURE FOR ADMITTING CHILDREN AND ADOLESCENTS TO GENERAL EDUCATION BOARDING-SCHOOLS AND CHILDREN'S HOMES

Decision of the Council of Ministers of the USSR of 31 January 1975 No. 90

[Extract]

1. To establish that children and adolescents shall be admitted to general education boarding schools by applications of their parents or persons replacing them.

Boarding schools shall first of all admit children and adolescents, including wards, who are in need of social upbringing, due to the living, working or health conditions of their parents; children and adolescents from large or low-income families; children and adolescents of unmarried mothers.

Boarding schools may admit children and adolescents deprived of parental care (as a result of the parents' death, their being deprived of parental rights and for other reasons) where it is impossible to send them to local children's homes.

Children and adolescents living with their families may, in separate cases, attend boarding schools together with pupils permanently residing therein.

Children and adolescents shall be sent to boarding schools by the ministries of education of Union Republics, ministries of education of Autonomous Republics, territorial, regional, town, district divisions of public education, that depending on the subordination of a boarding school, as well as by corresponding organs of other ministries and departments with boarding schools under their jurisdiction.

2. Children's homes shall admit children and adolescents between the ages of three and sixteen, who have been deprived of parental care, as well as children and adolescents of unmarried mothers.

Children and adolescents without parental care, who are members of the same family (brothers and sisters) shall be as a rule sent to the same children's home (co-educational).

Children and adolescents shall be admitted to children's homes in the area of residence all the year round by decisions of the Executive Committees of the town and district Soviets of Working People's Deputies.

Children and adolescents shall be sent to children's homes by the ministries of education of Union Republics, ministries of education of Autonomous Republics, territorial, regional, town, district divisions of public education, that depending on the subordination of a children's home, as well as by corresponding organs of other ministries and departments with children's homes under their jurisdiction.

ON REGULARISING THE DISTRIBUTION OF HOUSING AND ON REGISTERING CITIZENS IN NEED OF DWELLINGS

Decision of the RSFSR Council of Ministers
of 9 May 1963 No. 591
as supplemented
by the Decision of the RSFSR Council of Ministers
of 19 October 1965 No. 1178

[Extract]

4. The RSFSR Ministry of the Communal Economy, in co-ordination with the RSFSR Economic Council and the All-Union Central Council of Trade Unions shall be enjoined to work out within a two months' period Model Rules of

registering citizens who are in need of housing, for the Executive Committees of the local Soviet of Working People's Deputies, enterprises, organisations and institutions.

It shall be envisaged in the above Model Rules that, in drawing up lists for the allocation of living accommodation there shall be primarily included therein mothers of many children who are in need of better housing and who, pursuant to the Decree of the USSR Supreme Soviet of 8 July 1944, have been awarded the honorary title of the Mother-Heroine, the Order of Maternal Glory or a Maternity Medal.

III

Rights of Women in the Family

FUNDAMENTALS OF THE LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY

Approved by the Law of the Union of Soviet Socialist Republics of 27 June 1968

[Extract]

Socialist society pays great attention to protection and encouragement of motherhood and ensures a happy childhood.

The communist upbringing of the younger generation and their physical and cultural development shall be a prime obligation of the family. State and society are rendering every assistance to the family in child upbringing by extending the network of kindergartens, crèches, boarding schools and other children's institutions.

The Soviet woman is assured all the necessary social and living conditions for combining a happy maternity with an increasingly active and creative participation in industrial and socio-political life.

Soviet marriage and family legislation shall be designed to encourage the utmost freedom of family relations from materialistic considerations, the elimination of survivals of woman's unequal position in everyday life, and the creation of a communist family in which people's deepest personal feelings will find their full satisfaction.

SECTION I

General Provisions

Article 1. **The Tasks of Soviet Legislation on Marriage and the Family**

The tasks of Soviet legislation on marriage and the family are as follows:

the further consolidation of the Soviet family, based on the principles of communist morality;

the basing of family relations on a voluntary marital union of man and woman and on sentiments of mutual love, free from materialistic considerations, on friendship and respect for all family members;

the family education of children inherently combined with their social education in a spirit of devotion to the Motherland, a communist attitude to work and the preparation of children for active participation in the building of communist society;

every protection for mother and children and the securing of a happy childhood for every child;

the final elimination of harmful survivals and customs of the past in family relations;

the fostering of a sense of responsibility to the family.

Article 3. **The equality of Man and Woman in Family Relations**

In their family relations man and woman shall enjoy equal personal and property rights.

The equality of rights in family life is based on the equal rights of man and woman as laid down in the Constitution of the USSR, in all spheres of government, socio-political, economic and cultural life of the country.

Article 5. **Protection and Ecouragement of Motherhood**

In the USSR, maternity shall be held in nation-wide respect and esteem and protected and encouraged by the state. Protection of the interests of mother and child shall be ensured by providing an extensive network of maternity hospitals, crèches and kindergartens, boarding schools and other children's institutions; by granting women maternity leave with

full pay; by granting privileges to pregnant women and mothers; by labour-protection measures in industry; by paying state benefits to unmarried mothers and mothers of large families, and by other forms of state and social assistance to the family.

SECTION II

Marriage

Article 11. **Personal Rights of Spouses**

Upon entering into marriage husband and wife shall be entitled to choose the surname of either as their common surname, or either of the spouses may retain his or her premarital surname.

Questions concerning the upbringing of children and other questions of family life shall be jointly resolved by husband and wife.

Both husband and wife shall be free in their choice of occupation, profession and place of residence.

Article 12. **Property of Spouses**

Property acquired by the spouses during their marriage shall be their common property. The spouses shall enjoy equal rights to possess, use and dispose of such property.

The spouses shall also enjoy equal rights to property if one of them has been engaged in running the household, taking care of the children, or has had no earnings of his own for valid reasons.

In case of division of marital common property, the share of each of the spouses shall be recognised as equal to the other's share. In certain cases the court may depart from the principle of equality of shares of husband and wife on account of the interests of minors or the reasonable interests of either spouse.

Property belonging to either spouse prior to marriage or received during marriage either as a gift or by inheritance shall be the property of the spouse concerned.

Article 13. **The Obligations of Spouses in Respect to Mutual Maintenance**

Husband and wife shall be obliged to support each other materially. In the event of one refusing to provide such support, a disabled partner in need of material aid or a wife during pregnancy and during one year after the birth of a child shall be entitled to receive maintenance payment from the other partner, this being secured through a court of law, provided that the partner is able to provide such maintenance. This right shall be retained after dissolution of marriage.

Article 14. **Termination of Marriage**

A husband shall not be entitled, without the consent of his wife, to apply for dissolution of their marriage during the pregnancy of the wife and during one year after a childbirth.

SECTION III

The Family

Article 16. **Grounds for the Origination of the Rights and Duties of Parents and Children**

Mutual rights and duties of parents and children shall be based on the origin of children certified by law.

The origin of a child of parents in wedlock shall be certified by the parents' marriage certificate. The origin of a child of parents not in wedlock shall be established through the submission of a joint statement by the father and the mother of the child to a state registry office.

Where a child is born to parents not in wedlock, and in the absence of a joint statement from the parents, paternity may be established by a court of law.

Article 17. **Registration of Parents in Birth Registers**

The mother and the father of a child who are in wedlock shall be registered as the child's parents in a birth register following a statement by either of the two.

Where the parents are not in wedlock, the child's mother shall be registered on a statement by the mother, and the

child's father, on a joint statement by the child's father and mother, or else the father shall be registered by decision of a court of law. Should the mother die, or if it is impossible to establish her place of residence, the child's father shall be registered on the basis of the father's statement.

Where a child is born to an unmarried mother and there is no joint statement by the parents or a court decision on the establishment of paternity, the entry about the child's father in the birth register shall be made in the mother's surname; the name and patronymic of the child's father shall be registered according to her statement.

Article 18. **Rights and Duties of Parents**

The father and the mother shall have equal rights and duties in respect to their children.

Parents shall enjoy equal rights and bear equal duties in relation to their children also in cases where the marriage has been dissolved. Parental disputes over the children's place of residence and education shall be settled by legislation of the Union Republics.

THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF JUNE 27, 1968, ON THE APPROVAL OF THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY

[Extract]

Article 6. The unmarried mother shall enjoy the right to receive the legislatively stipulated allowance for the maintenance and upbringing of the child she bore, and the right to place her child in children's institution for maintenance and upbringing completely at state expense, if the child's father is not established in the statutory way.

THE MARRIAGE AND FAMILY CODE OF THE RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC

Adopted by the Law of the RSFSR of 30 July 1969.
Effective as of 1 November 1969

[Extract]

One of the most important tasks of the Soviet state is the concern for the Soviet family, in which the public and personal interests of citizens harmoniously combine.

The most favourable conditions for the consolidation and prosperity of the family have been created in the Soviet Union, which includes the Russian Soviet Federative Socialist Republic on the basis of voluntary unification and equality with the other Union Republics. The material welfare of citizens is steadily rising and housing, cultural and other amenities of family life are improving. Socialist society pays great attention to protection and encouragement of motherhood and ensures a happy childhood.

The communist upbringing of the younger generation and their physical and cultural development shall be a prime obligation of the family. State and society are rendering every assistance to the family in child upbringing by extending the network of kindergartens, crèches, boarding schools and other children's institutions.

The Soviet woman is assured all the necessary social and living conditions for combining a happy maternity with an increasingly active and creative participation in industrial and socio-political life.

Soviet marriage and family legislation shall be designed to encourage the utmost freedom of family relations from materialistic considerations, the elimination of survivals of woman's unequal position in everyday life, and the creation of a communist family in which people's deepest personal feelings will find their full satisfaction.

SECTION I

General Provisions

CHAPTER 1. BASIC PROVISIONS

Article 1. **The Tasks of the RSFSR Marriage and Family Code**

The tasks of the Marriage and Family Code of the Russian Soviet Federative Socialist Republic shall be as follows:

the further consolidation of the Soviet family, based on the principles of communist morality;

the basing of family relations on a voluntary marital union of man and woman and on sentiments of mutual love, free from materialistic consideration, on friendship and respect for all family members;

the family education of children inherently combined with their social education in a spirit of devotion to the Motherland, a communist attitude to work and the preparation of children for active participation in the building of communist society;

every protection for mother and children and the securing of a happy childhood for every child;

the final elimination of harmful survivals and customs of the past in family relations;

the fostering of a sense of responsibility to the family.

Article 3. **The Equality of Men and Women in Family Relations**[1]

In their family relations man and woman shall enjoy equal personal and property rights.

The equality of rights in family life is based on the equal rights of man and woman as laid down in the Constitution of the USSR, in all spheres of government, socio-political, economic and cultural life of the country.

Article 5. **The Protection and Encouragement of Maternity.**[2]

In the RSFSR, as in the whole of the Soviet Union, maternity shall be held in nation-wide respect and esteem and protected and encouraged by the state.

---

[1] Similar articles are contained in the marriage and family codes (MFCs) of all other Union Republics.

[2] Similar articles are contained in the MFCs of all the other Union Republics.

Protection of the interests of mother and child shall be ensured by providing an extensive network of maternity hospitals, crèches and kindergartens, boarding schools and other children's institutions; by granting women maternity leave with full pay; by granting privileges to pregnant women and mothers; by labour-protection measures in industry; by paying state benefits to unmarried mothers and mothers of large families, and by other forms of state and social assistance to the family.

SECTION II

Marriage

CHAPTER 3. PROCEDURE AND CONDITIONS OF ENTRY INTO MARRIAGE

Article 15. **Conditions of Entry into Marriage**[1]

To have the marriage registered the parties shall express mutual consent and shall have reached the age of marriage.

The age of marriage shall be established at eighteen. The Executive Committees of district (town) Soviets of Working People's Deputies in separate exceptional cases may decrease the age of marriage, but by not more than two years.

---

[1] According to Art. 16 of the MFC of the Ukrainian SSR, the age of marriage is established at eighteen for men and seventeen for women.

According to Art. 16 of the MFC of the Lithuanian SSR, the lowest age of marriage is established at eighteen. In exceptional cases the Executive Committee of district (town) Soviets of Working People's Deputies may permit marriage to persons who have reached the age of seventeen.

According to Art. 16 of the MFC of the Kazakh SSR, the earliest age of marriage is established at eighteen. In exceptional cases, the Executive Committee of a district (town) Soviet of Working People's Deputies may lower the age of marriage for women, but by not more than one year.

Application to lower the age of marriage may be submitted by a woman willing to enter into marriage or by her parents or guardians. The application must explain the reasons necessitating a lower age of marriage.

In all cases the age of the marriage may be reduced only with the consent of the woman concerned.

According to Art. 14 of the MFC of the Armenian SSR, the age of marriage is established at eighteen.

The Executive Committees of district (town) Soviets of Working People's Deputies may, in exceptional cases by separate applications, lower the age of

CHAPTER 4. THE RIGHTS AND OBLIGATIONS OF MARRIED COUPLES

Article 18. The Right of Spouses to Choose a Surname on Entering Into Marriage[1]

Upon entering into marriage husband and wife shall be entitled to choose the surname of either as their common surname, or either of the spouses may retain his or her premarital surname.

---

marriage for women as established under this article, but by not more than one year.

According to Art. 15 of the MFC of the Estonian SSR, the age of marriage is established at eighteen years.

In exceptional cases the Executive Committees of district (town) Soviets of Working People's Deputies may permit a woman to enter into marriage on reaching the age of seventeen.

According to Art. 18 of the MFC of the Uzbek SSR, the age of marriage for men is established at eighteen years and seventeen for women.

According to Art. 18 of the MFC of the Kirghiz SSR, the age of marriage is established at eighteen.

The Executive Committees of district (town) Soviets of Working People's Deputies, in exceptional cases and by separate applications of persons entering into marriage, may lower the age of marriage for women, but by not more than one year.

According to Art. 16 of the MFC of the Moldavian SSR, the age of marriage is established at eighteen years.

The Executive Committees of district (town) Soviets of Working People's Deputies in exceptional cases may lower the age of marriage for women, but by not more than one year.

[1] *Article 19* of the MFC of the Ukrainian SSR. In entering into marriage, spouses may choose the surname of either as their joint surname, or else either of the spouses retains his or her premarital surname or may add to his (her) surname the surname of the other spouse.

Article 20 of the MFC of the Georgian SSR. In entering into marriage, the spouses may choose the surname of either as a joint surname, or else either of them retains his or her premarital surname or adds the surname of his (her) spouse to his (her) own surname.

Article 18 of the MFC of the Latvian SSR. When a married person changes his (her) surname, this shall not in itself involve a change of the surname of the other spouse.

Article 20 of the MFC of the Azerbaijan SSR. In entering into marriage, the spouses may choose the surname of either as their joint surname, or else either of the spouses retains his or her premarital surname or may add to his (her) surname the surname of the other spouse.

Article 18 of the MFC of the Tajik SSR. In entering into marriage, the spouses may choose the surname of either as their joint surname, or else either of the spouses retains his or her premarital surname or may add to his (her) surname the surname of the other spouse.

Article 19. **The Right of Spouses to Resolve Jointly Questions Concerning Their Family Life, Occupations, Professions and Place of Residence**[1]

Questions concerning the upbringing of children and other questions of family life shall be jointly resolved by husband and wife.

Both husband and wife shall be free in their choice of occupation, profession and place of residence.

Article 20. **Jointly Owned Property of Spouses**[2]

Property acquired by the spouses during their marriage shall be their jointly owned property. The spouses shall enjoy equal rights to possess, use and dispose of such property.

The spouses shall also enjoy equal rights to property if one of them has been engaged in running the household, taking care of the children, or has had no earnings of his own for valid reasons.

Article 21. **Determination of the Respective Shares of the Jointly Owned Property of Spouses in Case of the Division of Property**[3]

When jointly owned property is divided, the respective shares of the spouses shall be considered as equal. In individual cases the court may depart from this rule on account of the

---

Article 19 of the MFC of the Byelorussian SSR. In entering into marriage, the spouses may choose the surname of either as their joint surname, or either of the spouses retains his or her premarital surname.

Spouses may also use a double surname.

[1] A similar rule is contained in the MFCs of all the other Union Republics.

[2] *Article 21* of the MFC of the Lithuanian SSR. Property acquired during marriage shall be recognised as belonging to both spouses though formalised in the name of one of them.

Article 25 of the MFC of the Uzbek SSR. The right to property acquired during marriage shall be recognised as belonging to both spouses though it has been formalised in the name of only one spouse.

Article 23 of the MFC of the Azerbaijan SSR. The right to property acquired during marriage shall be recognised as belonging to both spouses regardless of it having been formalised in the name of only one of the spouses.

Article 20 of the MFC of the Armenian SSR. The spouses may conclude any lawful property transactions between themselves. Agreements between spouses aimed at diminishing the property rights of either shall be invalid.

[3] A similar rule is contained in the MFC of all the other Union Republics.

interests of minors or the reasonable interests of either spouse. The share of either spouse may, in particular, be increased, if the other spouse has avoided socially useful work or spent the jointly owned property to the detriment of the family.

Article 22. **Personal Property of Either Spouse**[1]

Property belonging to either spouse prior to marriage or received during marriage either as a gift or by inheritance shall be the property of the spouse concerned.

Article 25. **The Obligations of Spouses in Respect of Mutual Maintenance**[2]

Husband and wife shall be obliged to support each other materially. In the event of one refusing to provide such support, a disabled partner in need of material aid or a wife during pregnancy and during one year after the birth of a child shall be entitled to receive maintenance payment from the other partner, this being secured through a court of law, provided that the partner is able to give such maintenance.

Article 26. **Retention by a Spouse of the Right to Maintenance after Dissolution of Marriage**[3]

A wife shall retain the right to maintenance payment from her husband during pregnancy and during one year after the birth of a child, should she become pregnant before the dissolution of a marriage.

CHAPTER 5. TERMINATION OF MARRIAGE

Article 31. **The Impermissibility for a Husband to Demand the Dissolution of a Marriage**[4]

A husband shall not be entitled, without the consent of his wife, to apply for dissolution of their marriage during the pregnancy of the wife and during one year after a childbirth.

---

[1] A similar rule is contained in the MFCs of all the other Union Republics.

[2] A similar rule is contained in the MFCs of all the other Union Republics.

[3] A similar rule is contained in the MFCs of all the other Union Republics. *Article 26* of the MFC of the Georgian SSR. During pregnancy and during one year after the birth of a child, a wife shall be entitled by a court decision to receive alimony from her husband, provided that he is able to pay. In determining the amount of alimony, a court shall also consider the expenses occasioned by pregnancy and childbirth.

[4] A similar rule is contained in the MFCs of all the other Union Republics.

SECTION III
The Family

CHAPTER 7. ESTABLISHMENT OF THE ORIGIN OF CHILDREN

Article 49. **Registration of Parents in Birth Registers**[1]

The mother and the father of a child who are in wedlock shall be registered as the child's parents in a birth register following a statement by either of the two.

Where the parents are not in wedlock, the child's mother shall be registered on a statement by the mother, and the child's father, on a joint statement by the child's father and mother, or else the father shall be registered by decision of a court of law.

Should the mother die, or if it is impossible to establish her place of residence, the child's father shall be registered on the basis of the father's statement.

Where a child is born to an unmarried mother and there is no statement by the parents or a court decision on the establishment of paternity, the entry about the child's father in the birth register shall be made in the mother's surname; the name and patronymic of the child's father shall be registered according to her statement.

A person registered as the father or the mother of a child may dispute the entry within a year of the date when he (she) learned or should have learned about the entry made. Should a person entered as a father or a mother be a minor by that date, the one-year period shall be calculated from the date when he (she) reaches the age of eighteen years.

Article 54. **Equality of the Rights and Duties of Both Parents**[2]

The father and the mother shall have equal rights and duties in respect to their children.

Parents shall enjoy equal rights and bear equal duties in relation to their children also in cases where the marriage has been dissolved.

All questions concerning the upbringing of children shall be solved by mutual agreement between both parents.

---

[1] A similar rule is contained in the MFCs of all the other Union Republics.
[2] A similar rule is contained in the MFCs of all the other Union Republics.

ON THE PRACTICE OF APPLICATION BY COURTS OF THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY

Instructions No. 10 of the Plenary Session of the Supreme Court of the USSR[1] *of 4 December 1969 as supplemented by the Instructions No. 3 of the Plenary Session of the Supreme Court of the USSR of 12 January 1973*

[Extract]

The Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family have introduced essential changes into the legal regulation of marital and family relations. With this in view and also in connection with questions that have emerged in judicial practice concerning the application of the legislation, the Plenary Session of the Supreme Court of the USSR *decrees* that courts be given the following interpretation:

1. In adjudicating cases arising from marital and family relations, courts must proceed from the tasks set by the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, and promote in all possible ways the further consolidation of the Soviet family, protection of the rights of the mother and children, the proper upbringing of children, and enhanced responsibility of citizens to the family.

2. When a child is born of unmarried parents, paternity may be established judicially if the parents have not submitted to a state registry office a joint statement on recognition of paternity (Fundamentals, Art. 16).

By virtue of Art. 2 of the Law of the USSR on the Approval of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, judicial procedure for establishing paternity of a child shall be applied in respect of children born after the Fundamentals came into force. With this in view, courts may not accept declarations on the

[1] Instructions of the Plenary Sessions of the Supreme Court of the USSR or Union Republics give interpretation of the law on its application and are recommendatory in character.

establishment of paternity in respect of children born before 1 October 1968.

2a. The entry about the father of a child in a birth certificate is the proof of the origin of the child from the person indicated in the certificate.

By virtue of Article 28 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family such an entry, if a dispute arises, may be rectified only on the strength of a court decision.

In this connection, courts must not take cognisance of declarations on the establishment of paternity, if the origin of a child is testified to by a birth certificate issued on the basis of an entry in a birth register, except for instances where an entry about the father has been made pursuant to Part 3 of Article 17 of the above Fundamentals.

3. In establishing paternity, the court shall take into account the circumstances mentioned in Article 16 of the Fundamentals: the cohabitation and joint conduct of a household by the mother and the respondent prior to the birth of the child, or the joint upbringing or maintenance of the child by the two, or evidence authentically proving the respondent's recognition of his paternity.

Cohabitation and the joint conduct of a household by the mother and the respondent prior to the birth of the child may be proved by the existence of circumstances characteristic of family relations: living in the same premises, joint meals, mutual care, acquisition of property for joint use, etc. Termination of such relations by the parties before the birth of a child cannot in itself serve as grounds to deny a claim on the establishment of paternity.

The joint upbringing of a child may, in particular, take place where the child lives with the mother and the respondent, or if the latter regularly associates with and shows parental care and concern for the child.

The joint maintenance of a child by the mother and the respondent may consist in the child's being their dependent or in the respondent's systematic aid in maintaining the child, irrespective of the amount of this aid.

Letters, questionnaires, applications of the respondent and other findings (Art. 17 of the Fundamentals of Civil Procedure of the USSR and the Union Republics) which reliably confirm the recognition of paternity by the respondent may be

considered as evidence proving the recognition of paternity by the respondent. Such recognition may be expressed both during the mother's pregnancy and after the birth of the child.

4. If, in a court case, circumstances are confirmed which, pursuant to Art. 16 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the court takes into account in establishing paternity, but the respondent does not recognise himself as father of the child, the court, may if necessary, order a medical examination to clarify pertinent questions concerning the origin of the child.

5. Cases of the establishment of paternity shall be considered in suit proceedings.

Such cases shall be considered in special proceedings where the paternity of a deceased person is to be determined, if no dispute arises on a right cognisable to a court. The applicant, and citizens and organisations concerned must participate in such proceedings. In adjudicating in such cases the court shall take into account the circumstances provided for in Art. 16 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family.

6. A suit for alimony for a child may be brought simultaneously with a suit for the determination of paternity. The plaintiff may sue for the establishment of paternity and for alimony both in the court at the respondent's place of domicile and in the court at the plaintiff's place of domicile. Alimony in this event shall be awarded from the date when the suit is filed.

6a. Courts may not confirm amicable agreements in cases on the establishment of paternity, since the conditions and the procedure of the establishment of paternity are laid down by the law.

Should the plaintiff abandon a claim in connection with the respondent's consent to file an application with a state registry office on the establishment of paternity, the court may postpone examination of the case for a certain period. On presentation to the court of a certificate on the establishment of paternity, the action shall be dismissed pursuant to Para. 1 of Art. 41 of the Fundamentals of Civil Procedure of the USSR and the Union Republics.

7. In respect of children born of unmarried persons prior to the entry into force of the Fundamentals, paternity may be established through a joint statement by the mother and the person who recognises himself as the father of the child.

By virtue of Art. 3 of the Law on the approval of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the judicial establishment of the fact of recognition of paternity with regard to these children is permissible in the event of the death of the person who maintained the child and who recognised paternity.

A court may not reject an application on the establishment of the fact of recognition of paternity by a person who died after the Fundamentals became effective. At the same time, a court must be especially circumspect and thorough in appraising evidence presented both on the recognition of paternity and on the fact that the children were dependents of that person prior to his decease.

The fact of recognition of paternity shall be established by a court in special proceedings. Pursuant to Art. 5 of the Fundamentals of Civil Procedure of the USSR and the Union Republics, such cases may be examined on application by the mother of the child, his guardian (trustee), as well as of the child himself on reaching majority.

8. Court decisions on the establishment of paternity and of the fact of recognition of paternity must be based on thoroughly verified case findings confirming the claims stated. Such decisions must also contain information necessary for the registration of the act of the establishment of paternity at a registry office.

9. In cases on termination of marriage, the court must thoroughly ascertain the relations between the parties concerned and the motives for the termination of marriage, and take measures to reconcile the spouses both when the case is being prepared for judicial cognisance and in court session. For these purposes, the court must, as a rule, examine the case with the participation of both parties.

Courts should bear in mind that temporary discord in a family and conflicts between husband and wife on fortuitous ground, as well as unwillingness of either or both of the spouses to continue the marriage, if unsubstantiated by serious arguments, may not be considered as sufficient grounds for the dissolution of marriage.

A court may, if necessary, suspend examining the case and set the spouses a term for reconciliation.

Marriage shall be dissolved should the court establish that

the further cohabitation of the spouses and the preservation of the family have become impossible.

Reversion by a divorced spouse to his (her) premarital surname shall be permissible on the request thereto of the spouse concerned.

10. Disputes as to who of the parents the children must live with, as well as disputes on the exaction of alimony for the children or a spouse and on the division of jointly owned property of the spouses shall be examined simultaneously with the hearing on the dissolution of marriage, should there be a request thereto by either or both of the spouses or should the court consider it necessary for the protection of minor children or a disabled spouse.

The court shall adjudicate these disputes in a divorce case only if it dissolves the marriage.

11. By virtue of Art. 14 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, a husband may not, without the consent of his wife, apply for dissolution of marriage during the pregnancy of the wife and during one year after the birth of a child. In the absence of the wife's consent to initiate divorce proceeding, the court shall reject the declaration, and if the suit has been brought, the court shall dismiss the case.

12. A husband and wife without minor children may have their marriage dissolved at a registry office by mutual consent (Fundamentals, Art. 14).

At the same time, courts must keep in mind that if a dispute on property rights arises between spouses willing to dissolve their marriage or maintenance to a disabled and low-income spouse, both or either of the spouses may bring a suit on the dissolution of the marriage and adjudication of the above property dispute in court.

If despite the absence of objections on his (her) part to a divorce, either of the spouses does not for some reason file an application at a registry office, the court may not reject the declaration or dismiss the case on the grounds that the marriage may be dissolved at a registry office.

13. In disputes between parents as to which of them shall keep the children, courts must hold in mind that, pursuant to Art. 18 of the Fundamentals, both parents have equal rights and obligations in respect of their children. In adjudicating such disputes courts must first of all proceed from the interests

of the children, with due account of which parent is able to provide a better upbringing of the children, the age of the latter, and their affection for either of the parents.

Advantages in material or housing and living conditions of either of the parents shall not in themselves serve as grounds to entrust a child to that parent for upbringing.

Such cases must be examined by the courts with the participation of a trusteeship and guardianship body.

14. In the division of property jointly owned by spouses, the court, pursuant to Art. 12 of the Fundamentals, may in certain cases depart from the principle of equality of the spouses' shares on account of the interests of minor children or the reasonable interests of either spouse.

The share of either of the spouses may in particular be higher, as provided for by the Marriage and Family Codes of the Union Republics, if the other spouse has evaded socially useful work or spent jointly owned property to the detriment of the interests of the family.

The court may also increase the share of either spouse on account of who of them the minor children live with, the disablement of either spouse, and in other cases worthy of consideration.

15. If a husband and wife have been in matrimony for a lengthy period of time, the court may, by virtue of Art. 13 of the Fundamentals, also award alimony in favour of the divorced and needy spouse should the latter have reached pensionable age, but not later than five years after the dissolution of marriage. Here pensionable age should be understood as 55 years for women and 60 years for men regardless of their right to pensions.

16. The amount of alimony exacted for minor children from parents, including persons whose paternity has been established by a joint statement of the father and the mother of a child, or by a court decision, shall be determined by the court as a proportion of the respondent's earnings (Fundamentals, Art. 22).

Alimony for children at a determined sum shall be permissible in instances and procedure provided for by Art. 71 of the Marriage and Family Code of the RSFSR and by corresponding articles of the Marriage and Family Codes of the other Union Republics.

17. If alimony has been adjudicated by several court decisions from one father in favour of children from different mothers, and the total alimony is higher than that provided for in Art. 22. of the Fundamentals, then father may sue any person in whose favour alimony has been adjudicated, for a reduction of the alimony. In that instance the court shall establish a new amount of alimony in the appropriate share due to each child.

18. In adjudicating a suit for a reduction of alimony in connection with the plaintiff having other minor children who, if maintenance is awarded in the amount established by law, would be worse off materially than the other children in receipt of maintenance (Fundamentals, Art. 22), the court shall take account of the earnings (income) of the plaintiff, as well as the disabled family members he must maintain by law.

In instances when alimony for children has been adjudicated in proportions of the respondent's earnings (income) the amounts due from him when meeting his claim for a reduction of alimony must also be determined in proportions, not in a definite sum. Only in exceptional cases, however, shall the proportions be smaller than those which the payer of alimony would pay in accordance with the interpretation given in Para. 17 of the present Instructions.

19. Claims for a reduction of the amount of alimony are cognisable to the court at the place of domicile of the recipient of alimony. If a suit on the reduction of alimony has been examined by a court other than the one which previously adjudicated the case on the exaction of alimony, the court which has changed the alimony amount must send a copy of its decision to the court that initially adjudicated the suit on the exaction of alimony.

Alimony in a new amount established by a court shall be exacted from the date of entry into force of the court decision. At the same time, sums deducted in a previously established amount before a new writ of execution is brought for execution, may not be counted as future payments.

20. Parents paying alimony for minor children may, by virtue of Art. 22 of the Fundamentals, be liable to additional expenditure in the event of exceptional circumstances (grave illness, the crippling of a child, etc.). The court may oblige a parent to take part both in the expenses actually incurred and in expenses necessary for the future.

21. Courts must supervise the correct and the timely deduction of alimony by the book-keeping departments of enterprises, institutions and organisations, and to enlist people's assessors in such activities. In the event of incorrect or delayed deduction of alimony, delay in forwarding it to the recipient, non-fulfilment of the bailiff's demand to present information on the debtor and the amount of his earnings, the court must make the officials guilty thereof answerable as laid down by law.

22. In adjudicating cases on the deprivation of parental rights, the courts must take into account that such an extreme measure may follow only on grounds provided for in Art. 19 of the Fundamentals.

If a suit for the deprivation of parental rights has been brought against one of the parents, the court must ascertain the whereabouts of the other parent, make him (her) participate in the case as a third party, and discuss the possibility of transferring the child to him (her) for upbringing.

Should the court find it impossible to transfer the child for upbringing to the other parent, and also if both parents have been deprived of parental rights, the child shall be placed under the care of a trusteeship and guardianship body.

23. In adjudicating suits for the restoration of parental rights because the way of life of the parents has changed and they are able to bring up their children, the courts must first of all proceed from the interests of the children. Parental rights may not be restored if the children have been adopted.

Suits for the restoration of parental rights may be brought against the other parent or trusteeship and guardianship body, depending on the person or organisation in whose care the child has been placed. Such cases must be examined by courts with the participation of a representative of the trusteeship and guardianship body concerned.

Irrespective of whether a parent has been deprived of parental rights by a court decision in civil proceeding or in a criminal case, the issue of the restoration of parental rights shall be adjudicated in civil proceedings.

24. Courts should take particular note of the necessity of thorough preparation for judicial examination of cases arising from marital and family relations.

At this stage the courts shall be obliged, among other things,

to explain to citizens the procedure of establishing paternity by a statement of unmarried parents, and the procedure of payment of alimony at the place of employment of a person who must maintain the children and disabled family members.

ON SOME QUESTIONS THAT HAVE ARISEN IN THE PRACTICE OF APPLICATION BY THE COURTS OF THE MARRIAGE AND FAMILY CODE OF THE RSFSR

Instructions No. 3 of the Plenary Session of the Supreme Court of the RSFSR of 21 February 1973

[Extract]

The study of judicial practice in examining cases arising from marital and family relations has shown that, together with the correct adjudication, there has often been a lack of uniformity in resolving certain issues connected with the application of the Marriage and Family Code of the RSFSR.

With this in view, the Plenary Session of the Supreme Court of the RSFSR decrees that courts be given the following interpretation:

1. Property jointly owned by a husband and wife and subject to division (MFC, Arts. 20, 21) shall be items acquired by them during marriage, such as belongings, structures, moneys and other possessions due to the spouses in legal relations arising from obligations, in particular money deposits in savings banks and other credit institutions, shares in summer-cottage building co-operatives, garage building co-operatives, house-building co-operatives, gardening societies, and, besides, all other possessions acquired during marriage, no matter in whose name they have been acquired or the moneys have been deposited.

Property acquired even during the marriage but on the personal means of either of the spouses, means acquired prior to the marriage or received by gift or inheritance, shall not be regarded as jointly owned property (MFC, Art. 22).

2. Inasmuch as under the legislation in force prior to the promulgation of the Decree of the Presidium of the Supreme Soviet of the USSR of 8 July 1944, unregistered marriages had

the same legal consequences as registered marriage, a dispute on property acquired before the entry into force of the above Decree jointly by persons in unregistered marriage must be adjudicated under the norms of the operating Marriage and Family Code governing jointly owned property of husband and wife (MFC, Arts. 20-23).

3. A dispute on the division of property of persons conducting family life without registration of marriage shall be adjudicated not according to the provisions of the Marriage and Family Code (MFC, Arts. 20-22), but according to the norms of the Civil Code on jointly owned property (CC, Arts. 116 and 121). Account must also be taken of the degree of participation of these persons with their means and personal labour in acquiring the property, since only that property is considered jointly owned which has been acquired by them during a marriage concluded in the established legal order (MFC, Art. 17).

4. The rule of Article 36 of the MFC prohibiting the division of the spouses' property in divorce proceedings if the dispute concerned affects the rights of third parties shall not apply to the division of money deposits in credit institutions since, by virtue of Article 395 of the Civil Code, money deposits are joint property of husband and wife exclusively. No other persons can lay a claim to their division, and the rights of credit institutions are not affected thereby.

Where third parties have given their means to the spouses and the latter have deposited them to credit institutions in their names, such third parties may bring a suit in separate proceedings to recover the moneys by the norms of the Civil Code. A similar suit may be brought by members of a collective-farm household and other persons against spouses who are members of that household.

In meeting the claim of third parties, the moneys adjudicated may not be paid from the deposit and must be recovered from other property of defendants.

Where a collective-farm household is divided or a share (or shares) thereof are apportioned to its member(s), their shares in the property of the household may be correspondingly increased.

5. Taking into account that Article 21 of the MFC does not link the possibility of dividing marital joint property with a dissolved marriage, the court may not reject a relevant

declaration on the ground that the marriage between the spouses has not been dissolved.

6. Inasmuch as the law entitles a court to adjourn examining a dissolution of marriage case and has given the spouses a period of reconciliation up to six months (MFC, Art. 33), the court, depending on the circumstances of the case, may adjourn the examination several times, provided that the total time given for reconciliation between the spouses does not exceed the legal six-month period.

The court may also reduce the period it has given if the spouses request such a reduction and the reasons indicated by them are considered valid.

In the above instances, the court must hand down a motivated ruling.

7. In the meaning of Article 38 of the MFC, a divorce is subject to formalisation at a registry office if there is mutual consent thereto of the spouses who have no minor children in common. Therefore, if one spouse has a child and the other spouse is not the child's parent or adopter, this may not serve as grounds for the case on dissolution of marriage to be examined in court.

8. Inasmuch as Article 40 of the MFC does not make it incumbent on divorced spouses to register their divorce at a registry office within a certain term and the law does not prescribe compulsory execution of court decisions on the dissolution of marriages, the three-year term established by Article 345 of the Civil Procedure Code for compulsory execution of judgements in civil cases shall not be applicable in divorce cases.

Therefore, for a divorce to be registered at a registry office after the expiry of three years from the date of the court decision it shall not be necessary to restore the term as laid down in Article 347 of the Civil Procedure Code.

9. Taking into account that reconciliation between spouses is also possible after the judgement on the dissolution of a marriage comes into legal force, the court may, at their request, pass a ruling on dismissing the case in conformity with Article 364 of the Civil Procedure Code, if the divorce had not been registered at a registry office.

10. Inasmuch as Article 43 of the MFC sets forth among grounds for declaring a marriage null and void the absence of mutual concent of the parties (MFC, Art. 15), courts shall keep

in mind that a marriage may be declared null and void if consent to its conclusion has been given by a party who at that time, in consequence of sickness, was unable to account for his (her) actions and govern them, and upon recovery has not continued conjugal relations.

11. Placing a spouse receiving alimony from the other at an invalid home at state maintenance may provide grounds for the alimony payer to be exempted from payment of alimony, provided there are no exceptional circumstances calling for additional expenses (special care, medical treatment, diet, etc.), since in virtue of Article 29 of the MFC the right of a spouse to receive maintenance is forfeited where the conditions have disappeared that are grounds for receiving maintenance by virtue of Article 25 of the MFC.

The court may also reduce the amount of alimony payable under a previous judgement, taking into account the character of the additional expenses.

12. Courts should hold in mind that expenses for the maintenance of children are exactable in favour of children's establishments only from parents (MFC, Art. 69) and may not be exacted from other family members subject to alimony obligations towards such children, including fosterers paying alimony because the child is being maintained and brought up by them (MFC, Arts. 80, 82, 83, 85).

13. In examining suits for alimony for children, courts must ascertain whether a respondent fulfils his (her) obligation to maintain the children as laid down in Article 67 of the MFC, whether the amount of maintenance is in conformity with law, and the actual reason for a suit.

It should also be held in mind that a suit may not be met if it has been established that it is designed to reduce the amount of alimony payable by a respondent to another mother or the amounts deduced from earnings in compensation of damage caused to enterprises, institutions, organisations or citizens, etc.

14. A suit for the judicial establishment of paternity with respect to a child born after 1 October 1968 may be brought by persons listed in Article 48 of the MFC at any time after its birth, because the Marriage and Family Code does not stipulate a limitation of actions in such cases.

15. By parental rights parents may be deprived of (MFC, Art. 59) shall be understood rights belonging to them until the children reach majority, namely: the right to bring them up

(MFC, Arts. 52, 54, 56), protect their interests (MFC, Art. 53), demand their return from others (MFC, Art. 58), and give consent for their adoption by others (MFC, Art. 100).

16. Courts should take into account that, by virtue of Art. 60 of the MFC persons deprived of parental rights forfeit not only rights enjoyed as parents before their children reach majority but also other rights based on the fact of kinship with the child, arising both from marital and family relations (e.g., the right to receive maintenance from major children—MFC, Arts. 60, 77), and from other legal relations (e.g., the right to pension maintenance after the children's death, the right of inheritance—part 2 of Art. 531 of the Civil Code, etc.).

17. Deprivation of parental rights may not be applied in respect of persons who do not fulfil their parental obligations in consequence of mental illness or deficiency or another chronic disease, (with the exception of persons suffering from chronic alcoholism or drug addiction, MFC, Art. 59, Part 1), and for other reasons beyond their control.

In these instances and also where court examination of a case has established that a claim for deprivation of parental rights is groundless but that it would be dangerous to leave the child with its parents, the court may adjudicate that the child be taken away and placed in the care of a trusteeship and guardianship body (MFC, Art. 64).

18. In placing a child in the care of a trusteeship and guardianship body (MFC, Arts. 61, 119), the court shall not decide the child's future (placing it at a children's establishment, a boarding school, assigning a guardian, etc.), since it comes under the exclusive jurisdiction of the above body to choose what to do with the child.

19. When a parent has been deprived of parental rights and the child is with the other parent, a trustee, guardian or another person, the court shall exact alimony for the child (MFC, Art. 59, Part 5) in favour of the person who is bringing it up, and who must participate in the case.

Where deprivation of parental rights is applied to both parents or either of them, but the child cannot remain in the care of the other parent, alimony shall be exacted in favour of a trusteeship and guardianship body, which in such circumstances, under Article 61 of the MFC, takes care of the child. After the child has been placed in a children's (educational) establishment or left in the care of some

person, alimony shall be payable to that establishment or person.

20. Taking into account that in cases on deprivation of parental rights the issue of alimony for a child is under adjudication, the court may rule that the presence of the respondent is compulsory, and if the respondent fails to attend without a valid reason, he (she) may be subjected to compulsory process and fined, pursuant to Article 159 of the Civil Procedure Code.

21. Inasmuch as, by virtue of Article 19 of the Rules on Minors' Commissions (approved by the Decree of the Presidium of the Supreme Soviet of the RSFSR of 3 June 1967) the Commissions may apply to courts of law for deprivation of parental rights of persons abusing these rights or persistently evading their obligations in bringing up children, courts should bear in mind that in such instances the case must be examined in suit proceedings in which the Commission is the plaintiff (Art. 4, Para. 3 and Art. 42 of the Civil Procedure Code).

22. When a parent does not obey the decision of a trusteeship and guardianship body on the procedure of the participation of a parent living separately from his (her) children, in their upbringing, and where the trusteeship and guardianship body goes to court in this connection (MFC, Art. 56, Part 4), the parent hindering the execution of the judgement shall be brought into the case as a defendant. The parent living separately may join the suit as a third party (Art. 38 of the Civil Procedure Code).

In such suits, the court must verify whether the procedure established by a trusteeship and guardianship body conforms to the interests of children, whether or not the rights of parents are being infringed and whether the parents are ensured sufficient participation in the upbringing of their children.

When adjudicating the substance of such a dispute, the court must take account of the specific conditions in which the children are being brought up, their age, features of development, the nature of relations between the parents, the attitude of the children to them, the living conditions of the parent residing separately, the possibility of his (her) influencing the children positively or negatively, and also other specific circumstances revealed at the hearing of the case.

When the court comes to the conclusion that the decision of

a guardianship body is in the interests of children, it may meet the claim. Depending on the specific circumstances, the court may change the procedure established by a guardianship body or may deny the claim.

A court decision on a claim brought by a trusteeship and guardianship body shall be subject to execution pursuant to Article 406 of the Civil Procedure Code.

23. Inasmuch as adopters acquire parental rights and obligations as a result of adoption and not of parentage, it should be remembered that where an adopter evades the fulfilment of obligations or abuses his (her) rights (MFC, Art. 59), it is possible to raise the question of annulling the adoption by established legal procedure (MFC, Art. 11) but not of deprivation of parental rights.

24. Where a suit for annulment of adoption is brought against a guardianship body, the adopter, having been informed of the suit (MFC, Art. 114, Part 4), may participate in the court proceedings as a co-defendant.

25. Whenever cases related to the upbringing of children are under examination, including instances when such disputes are examined in divorce proceedings, the court examination shall be thoroughly prepared.

Courts shall appoint such hearings only after reception from the trusteeship and guardianship bodies concerned of acts of investigation of the living conditions of both persons claiming the right to bring up a child, such acts being drawn up in the established manner and approved by the head of the public education department. The court should pay special attention to ascertaining the personal qualities of such persons, their attitude to the child and the latter's attachment to either of them.

26. Courts should display initiative in verifying the materials and acts presented, calling for attendance in court, whenever necessary, in the capacity of witnesses those persons who participated in the investigation, and appraising the acts drawn up by them and their evidence, jointly with the other evidence. Should the court disagree with the conclusion of a trusteeship and guardianship body, such judgement must be motivated.

27. Where the court considers it necessary to question a child, that should be done outside the courtroom, in the presence of an educator, a class tutor, a kindergarten teacher, or the like.

28. Courts shall add riders to their decisions, drawing the attention of the pertinent organisations to delays in measures to protect the rights of children by trusteeship and guardianship bodies, an incorrect attitude to children on the part of educationalists, state or social organisations and parents.

When it has been established that criminal acts have been committed against children by their parents or other persons, courts must inform the procurator or institute criminal proceedings (Art. 225, Part 2 of the Civil Procedure Code).

Offences and other anti-social acts committed by minors should be brought to the notice of a Minors' Commission.

29. Wherever necessary, and pursuant to Article 355 of the Civil Procedure Code, court should determine the procedure for executing judgements in cases on the taking away of children, while providing for measures conducive to the transfer of a child from one person to another (for example, placing it at a children's establishment).

IV
Labour Rights of Women

FUNDAMENTALS OF LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS

Approved by the Law of the Union of Soviet Socialist Republics of 15 July 1970

[Extract]

The USSR Constitution ensures equal labour rights for citizens, regardless of nationality or race. Women enjoy equal rights with men to labour, remuneration for labour, and to leisure and social security.

CHAPTER III

Labour Contract

Article 9. **Guarantees of Employment**

Groundless refusal to grant a job shall be prohibited by the law.

In conformity with the Constitution of the USSR, any direct or indirect limitation of rights or direct or indirect preference shown in granting jobs because of sex, race, nationality or religious beliefs, shall be prohibited.

CHAPTER IV

Working Hours and Time Off

Article 26. **Part-Time Work**

Under the agreement reached by the industrial or office worker with the management, daily or weekly part-time work may be arranged either at the time of employment or later. In such cases the worker shall be paid in proportion to the actual working hours or depending on the output.

CHAPTER V

Wages and Salaries, Guarantees and Compensation

Article 36. **Payment According to Work. Minimum Wage or Salary**

The USSR Constitution stipulates that the labour of the industrial and office workers shall be remunerated according to quantity and quality. No reductions in pay shall be allowed for reasons of sex, age, race or nationality.

The monthly amount of a wage or salary shall not be lower than the minium wage established by the state.

CHAPTER VIII

Female Labour

Article 68. **Jobs Where Female Labour Is Prohibited**

It shall be prohibited to employ female labour on arduous jobs, jobs with unhealthy working conditions and underground jobs except for a few underground jobs (non-manual labour or jobs connected with sanitary and communal services).

Article 69. **Restrictions on Female Labour with Regard to Night and Overtime Work and Travelling on Assignments**

It shall not be permitted to employ women for night work, except in the sectors of the economy where there is a special need and where it is allowed only as a temporary measure.

It shall be prohibited to employ pregnant women, nursing mothers and women with children under one year of age on night and overtime work, for work on days off, or to send them on assignments.

It shall not be permitted to employ women with children from one to eight years of age on overtime work or to send them on assignments unless they give their consent.

Article 70. **Transfer of Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age to Easier Jobs**

In conformity with a medical certificate, pregnant women shall be transferred to an easier job for the period of their pregnancy, and shall continue to draw their previous average pay.

Nursing mothers and women with children under one year of age shall, if they are unable to carry out their normal work, be transferred to easier jobs, and shall continue to draw their previous average earnings until their children are weaned, or until they reach the age of one.

Article 71. **Maternity Leaves**

Women shall be entitled to a maternity leave of fifty-six calendar days before and fifty-six days after giving birth; during this period they shall receive an allowance paid out of state social insurance funds. In the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to seventy calendar days.

In addition to the prenatal-postnatal leave a woman, on request, may be granted additional leave without pay until the child reaches one year of age.

Article 72. **Daytime Intervals for Nursing Mothers**

In addition to the normal mealtime and rest intervals, nursing mothers and women with children under one year of age shall be entitled to additional intervals for nursing their children.

Such intervals shall be granted for not less than thirty minutes every three hours.

Intervals for nursing children shall be regarded as working time and paid at the mother's average rate of earnings.

Article 73. **Guarantees to Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age with Respect to Employment and Against Dismissal**

The law shall prohibit to refuse a pregnant woman or nursing mother employment, or to lower her earnings.

It shall be prohibited for management to dismiss a pregnant woman, nursing mother or mother with a child under one year of age unless the institution, enterprise or organisation is completely shut down. In this case dismissal shall be permitted and provision of another job shall be obligatory.

LABOUR CODE OF THE RSFSR

Approved by the Law of the Russian Soviet Federative Socialist Republic of 9 December 1971

[Extract]

In conformity with the Constitution of the USSR and the Constitution of the RSFSR citizens are ensured equal labour rights regardless of nationality or race. Women enjoy equal rights with men to labour, remuneration for labour, and to leisure and social security.

CHAPTER III

Labour Contract

Article 16. **Guarantees of Employment**[1]

Groundless refusal to grant a job shall be prohibited by the law.

---

[1] Article 18 of the Labour Code (LC) of the Estonian SSR reads that when refusing to grant a job, the management must inform a worker of the reason of the refusal.

Article 21 of the LC of the Lithuanian SSR specifies that complaints on a groundless refusal to grant a job shall be considered by superior bodies within ten days from their filing.

In conformity with the Constitution of the USSR and the Constitution of the RSFSR, any direct or indirect limitation of rights or direct or indirect preference shown in granting jobs because of sex, race, nationality or religious beliefs, shall be prohibited.

CHAPTER IV

Working Hours

Article 48. **Work at Night**

It shall be prohibited to work at night for: pregnant women and nursing mothers, as well as women with children under one year of age; industrial and office workers under eighteen; other categories of workers in conformity with the legislation. Invalids may be employed for night work only with their consent and provided that such work has not been prohibited for them by medical recommendations.

Work done from 10 p.m. till 6 a.m. shall be considered night work.

Article 49. **Part-Time Work**

Under the agreement reached by the industrial or office workers with the management, daily or weekly part-time work may be arranged either at the time of employment or later. In such cases the worker shall be paid in proportion to the actual working hours or depending on the output.

Work under the conditions of part-time employment shall not entail for industrial and office workers any limitations of the annual leave duration, calculation of length of service or other labour rights.

Article 54. **Restrictions Imposed on Overtime Work**[1]

Overtime work shall be prohibited for: pregnant women and nursing mothers, as well as women with children under one

---

[1] Article 57 of the LC of the Latvian SSR and Art. 56 of the LC of the Estonian SSR lay down that overtime work shall be formalised through an order.

year of age; industrial and office workers under eighteen; workers who combine work with study at general education and vocational schools—on school days; other categories of workers in conformity with the legislation.

Women with children from one to eight years of age and invalids may be employed on overtime work only with their consent; invalids may be employed only if such work is not prohibited for them by medical recommendations.

CHAPTER VI

Wages and Salaries

Article 77. **Payment According to Work**

Pursuant to the Constitution of the USSR and the Constitution of the RSFSR the labour of industrial and office workers shall be remunerated according to quantity and quality. No reduction in pay shall be allowed for reasons of sex, age, race or nationality.

CHAPTER XI

Female Labour

Article 160. **Jobs Where Female Labour Is Prohibited**[1]

It shall be prohibited to employ female labour on arduous jobs, jobs with unhealthy working conditions and underground jobs except for a few underground jobs (non-manual

---

Article 62 of the LC of the Ukrainian SSR determines that overtime work shall be work over the established number of working hours per day.

Article 57 of the LC of the Tajik SSR has defined overtime work as work over the normal working hours (Arts. 47, 48 and 58) carried out by the order of the management.

[1] Part 3 of Art. 174 of the LC of the Ukrainian SSR says: "A list of arduous jobs and jobs with unhealthy working conditions, as well as the maximum norms for carrying and moving weights by women shall be established by the legislation of the USSR and—within the limits set by the USSR legislation—by the legislation of the Ukrainian SSR."

Part 3 of Art. 156 of the LC of the Georgian SSR reads: "A list of arduous jobs and jobs with unhealthy working conditions, as well as the maximum

labour or jobs connected with sanitary and communal services).

A list of arduous jobs and jobs with unhealthy working conditions where employment of female labour is prohibited shall be approved in the procedure established by legislation.[1]

The carrying and moving by women of burdens heavier than the maximum norms established for them shall be prohibited.[2]

Article 161. **Restrictions on Female Labour with Regard to Night Work**[3]

It shall not be permitted to employ women for night work, except in the sectors of the economy where there is a special need and where it is allowed only as a temporary measure.

---

norms for carrying and moving weights by women shall be approved in the procedure established by the legislation of the USSR and—within the limits set by the USSR legislation—by the legislation of the Georgian SSR."

In the LC of the Lithuanian SSR Art. 191, "Jobs Where Female Labour Is Prohibited", is followed by Art. 192, "Preferential Granting to Women of Relatively Easier Jobs", which establishes:

"Other conditions being equal, women must be granted relatively easier jobs.

"The management of an enterprise, institution, or organisation may, together with the factory or office trade union committee, establish a list of jobs, posts, trades and work sections with relatively easier working conditions where female labour should be predominantly employed."

[1] A list of especially arduous and hazardous jobs and trades where female labour is excluded was approved by a decision of the USSR People's Commissariat of Labour on 10 April 1932. The List was amended and supplemented in subsequent years.

A list of industries, trades and jobs where the labour of persons under 18, including females, is prohibited was approved by a decision of the State Committee of the USSR Council of Ministers for Labour and Wages on 29 August 1959 (No. 623). The List was amended in subsequent years.

[2] The maximum norms for carrying and moving weight by adult women were established by the Decision No. 145 of the USSR People's Commissariat of Labour of 14 August 1932. They are under revision at present.

The maximum norms for carrying and moving weights by adolescents, including females, were approved by a Decision of the RSFSR People's Commissariat of Labour of 4 March 1921. The latter Decision was extended to the entire territory of the USSR by Decision No. 154 of the USSR People's Commissariat of Labour and the USSR Supreme Economic Council of 14 November 1923. Reference to women over 18 was subsequently excluded by Decision of the People's Commissariat of Labour No. 145 of 14 August 1932.

[3] Article 193 of the LC of the Lithuanian SSR, reproducing Part 1 of Art. 69 of the Fundamentals, further adds: "In these sectors, when hiring

Article 162. **Prohibition of Night and Overtime Work and Travel Assignments for Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age**[1].

In addition to prenatal-postnatal leave a woman on request, may be granted additional and unpaid leave until the child reaches one year of age.

Article 163. **Restrictions on Overtime Work and Travel Assignments for Women With Children from One to Eight Years of Age**[2]

It shall not be permitted to employ women with children from one to eight years of age on overtime work or on work on days-off, or to send them on assignments, unless they give their consent.

Article 164. **Transfer of Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age to Easier Jobs**[3]

In conformity with a medical certificate, pregnant women shall be transferred to easier jobs for the period of their pregnancy, and shall continue to draw their previous average pay.

Nursing mothers and women with children under one year of age shall, if they are unable to carry out their normal work, be transferred to easier jobs, and shall continue to draw their

---

personnel for day shifts, preference—with other conditions being equal—shall be given to women with children under eight years of age."

Article 169 of the LC of the Tajik SSR lays down: "When work is organised in shifts, women with children under eight years of age shall be given preference—within the possibilities of the enterprise concerned—in being employed at work in the daytime."

[1] Article 176 of the LC of the Azerbaijan SSR also prohibits employment of pregnant women, nursing mothers and women with children under one year of age for work on holidays.

[2] In the LC of the Estonian SSR there is a special Article No. 174 "On Granting Annual Leave to Women with Children under Three Years of Age", which stipulates: "Women with children under three years of age shall be granted annual leave, if they wish and where possible in the summertime."

[3] Article 178 of the LC of the Ukrainian SSR, reproducing Parts 1 and 2 of Art. 70 of the Fundamentals, is supplemented by Part 3 as follows: "Should persons mentioned in Parts One and Two of the present Article earn more at an easier job than before the transfer, they shall be paid their actual earnings."

previous average earnings until their children are weaned, or until they reach the age of one.

Article 165. **Maternity Leave**

Women shall be entitled to a maternity leave of fifty-six calendar days before and fifty-six days after giving birth; during this period they shall receive an allowance paid out of state social insurance funds. In the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to seventy calendar days.

Article 166. **Granting of Annual Leave Together with Maternity Leave**

A woman shall be granted the annual leave, at her request, before the prenatal or immediately after the postnatal leave, regardless of the length of service at the enterprise, institution or organisation concerned.

Article 167. **Additional Leave Without Pay for Mothers with Children under One Year of Age**

In addition to prenatal-postnatal leave a woman, at her request, may be granted additional leave without pay until the child reaches one year of age. A woman shall retain her job (post) during leave.

Such leave may be used in whole or in part at any time, until the child reaches the age of one.

Additional and unpaid leave shall be included in the total and continuous length of service, as well as in the length of service in a speciality.

The length of additional and unpaid leave shall not be included in the length of service giving the right to subsequent annual leaves.

Article 168. **Leave for Women Who Have Adopted Newborn Infants**[1]

Women who have adopted newborn babies directly from a maternity home shall be granted a leave for the period since

[1] Article 200 of the LC of the Lithuanian SSR stipulates that directly after leave granted for the period from the date of adoption till the expiry of 56 days

the date of adoption till the expiry of fifty-six days from the date of the child's birth with payment of allowance through state social insurance for that period.

A woman who has adopted a newborn baby directly from a maternity home shall, at her request, be granted an additional leave without pay until the child reaches one year of age (Article 167).

Article 169. **Daytime Intervals for Nursing Mothers**[1]

In addition to the normal meal and rest intervals, nursing mothers and women with children under one year of age shall

---

after the birth of a child "a woman, at her request, shall be granted annual leave regardless of the length of service at the enterprise, institution or organisation".

Article 193 of the LC of the Armenian SSR prescribes that "a woman who has adopted a newborn infant shall, on request, be granted additional and unpaid leave until the child reaches one year of age".

[1] Article 195 of the LC of the Uzbek SSR, Art. 202 of the LC of the Lithuanian SSR and Art. 177 of the LC of the Latvian SSR establish that the intervals for nursing babes may be combined, added to the meal break or transferred to the end of a working day (shift) reducing it correspondingly.

Article 177 of the LC of the Tajik SSR establishes: "In conformity with the wish of a mother, intervals for nursing a babe may be combined, added to the meal break or transferred both to the beginning and to the end of a working day (shift) reducing it correspondingly if this, according to a medical certificate, is not detrimental to the health of the woman and of the child."

Article 175 of the LC of the Estonian SSR stipulates that "in conformity with the wish of a mother, the interval for nursing a babe shall be added to the general rest and meal break, or the working day shall be reduced by a period corresponding to the nursing intervals".

Article 195 of the LC of Uzbek SSR and Art. 177 of the LC of the Tajik SSR establish that when there are two or more children under one year of age, the duration of the interval "shall be correspondingly increased".

Article 202 of the LC of the Lithuanian SSR establishes that the procedure of granting intervals for nursing babes shall be determined by the management jointly with the factory or office trade union committee "by agreement with the woman".

The LC of the Azerbaijan SSR has a special Art. 187 "Duration of the Intervals for Nursing Babes", which says:

"The intervals for nursing babes shall be granted to the mother during the entire period when the babe is actually breast-fed.

"Where necessary, the period of breast-feeding a babe may be certified by a treatment-and-prophylactic institution which is entitled to issue sick-lists for granting maternity leave or by a children's polyclinic.

"If a babe is bottle-fed intervals must be granted to the mother until the babe reaches one year of age."

be entitled to additional intervals for nursing their children.

Such intervals shall be granted for not less than thirty minutes every three hours. For mothers with two or more children under one year of age the duration of the interval shall be not less than an hour.

Intervals for the nursing of children shall be regarded as working time and paid at the mother's average rate of pay.

The times and the procedure of granting the intervals shall be established by the management in agreement with the factory or office trade union committee in response to the mother's wishes.

Article 170. Guarantees for Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age in Respect of Employment and Against Dismissal[1]

The law shall prohibit denial of employment or lower earnings to a pregnant woman or nursing mother.

It shall be prohibited for management to dismiss a pregnant woman, nursing mother or mother with a child under one year of age unless the institution, enterprise or organisation is closed down. In that case, dismissal shall be permitted and provision of another job shall be obligatory.

Article 171. Issuance of Vouchers for Sanatoria and Rest-Homes and Rendering Material Aid to Pregnant Women

The management of enterprises and organisations, in agreement with the factory or office trade union committees, may, where necessary, issue pregnant women with vouchers for places at sanatoria and rest-homes free of charge or at a reduced price, and also render them material aid.

---

[1] Article 203 of the LC of the Lithuanian SSR, in Parts 1 and 2, reproduces Parts 1 and 2 respectively of Art. 73 of the Fundamentals and in its Part 3 establishes that "the obligatory provision of another job for women stipulated by Part Two of the present Article shall be the responsibility of the ministry or department having jurisdiction over the institution, enterprise, or organisation, that has closed down, or the Executive Committees of the district (town) Soviets of Working People's Deputies. The dismissed women must be given employment within a fortnight of the date of their dismissal."

Article 172. **Facilities for Women at Enterprises and Organisations at Which Extensive Use is Made of Female Labour**

Crèches and kindergartens, rooms for nursing babes and rooms for personal hygiene of women shall be organised at enterprises and organisations where female labour is employed on a wide scale.

ON THE PRACTICE OF APPLICATION OF THE LEGISLATION ON PROTECTION OF FEMALE LABOUR

Decision of the Presidium of the Supreme Soviet of the USSR of 7 July 1975

The Presidium of the Supreme Soviet of the USSR *decrees*:

1. That note be taken of the report from the Legislative Proposals Commissions of the Soviet of the Union and the Soviet of Nationalities to the effect that, in accordance with the assignment of the Presidium of the USSR Supreme Soviet the Commissions, with the participation of the State Labour and Wages Committee of the USSR Council of Ministers, the USSR People's Control Committee, the USSR Procurator's Office and the All-Union Central Council of Trade Unions, have studied the practice of application of legislation on the protection of female labour at enterprises of the USSR Ministry of the Coal Industry, the USSR Ministry of Ferrous Metallurgy, the USSR Ministry of Industrial Construction, and the USSR Ministry of the Food Industry.

2. That the USSR Ministry of the Coal Industry, the USSR Ministry of Ferrous Metallurgy, the USSR Ministry of Industrial Construction, the USSR Ministry of the Food Industry, other ministries and departments of the USSR and the Councils of Ministers of the Union Republics are to ensure strict observance of legislation on female labour protection at industrial enterprises, enhance the responsibility of the heads of the enterprises for the fulfilment of the legislation requirements on the provision of adequate production and sanitary-hygienic conditions for women's labour, take measures for a further rise in the level of mechanisation and automation of labour-consuming and ancillary operations.

3. That it be recommended that the Presidiums of the Supreme Soviets of the Union Republics take measures for stricter verification of observance of labour legislation, especially of the female labour protection legislation, enhance the role of local Soviets of Working People's Deputies and their Executive Committees in supervising observance of labour legislation, labour protection and safety rules at enterprises, institutions and organisations.

4. That it be recommended that the All-Union Central Council of Trade Unions increase the part played by trade union committees and councils in supervising and controlling observance of labour legislation and female labour protection rules, in creating adequate production conditions and sanitary conveniences for women workers at enterprises.

5. The Procurator-General of the USSR shall augment supervision of the strict administration of labour laws by all ministries and departments, enterprises, institutions, organisations and officials.

6. In view of the importance of this question, recommendations and materials of the Commissions, as well as proposals from the deputies of the USSR Supreme Soviet, some ministries and departments of the USSR, shall be submitted to the Council of Ministers of the USSR for consideration.

The USSR Council of Ministers shall enhance supervision of the activities of ministries and departments of the USSR in ensuring female labour protection at enterprises under their jurisdiction.

ON MEASURES TO REPLACE FEMALE LABOUR ON UNDERGROUND JOBS IN THE ORE-MINING INDUSTRY AND AT UNDERGROUND PROJECTS

Decision of the Council of Ministers of the USSR of 13 July 1957 No. 839

[Extract]

For the purpose of a further improvement in the labour and health protection of women workers, the Council of Ministers of the USSR *decrees*:

1. That it be considered necessary to discontinue the employment of women's labour on underground jobs in the ore-mining industry and at underground projects, with the exception of:

a) women holding managerial posts and not engaged in manual work;

b) women engaged in sanitary and communal services;

c) women taking a course of training and admitted for probation in the underground sections of an enterprise;

d) women who must go down from time to time into the underground sections of an enterprise for non-manual work.

2. That it shall be prohibited to hire women for underground jobs except those mentioned in clauses *a*, *b*, *c* and *d* of paragraph 1 of the present Decision.

4. That Republican Councils of Ministers, territorial, regional, town and district Executive Committees of Working People's Deputies shall render all possible assistance in providing employment for women dismissed from underground jobs and in particular shall staff operating and newly opened enterprises in the communal services, trade, public catering, public utilities, as well as cultural and educational and public health institutions where female labour can be employed, primarily with women dismissed from underground jobs.

5. Women dismissed from underground jobs shall retain:

a) their continuous length of employment when taking up another job after dismissal from an underground job or on completion of training for a new trade or profession, if the interval between jobs does not exceed six months;

b) their average monthly earnings at the previous job during training for a new trade or profession but for not more than three months;

c) the right to use housing facilities, as well as kindergartens and crèches at the previous place of job.

7. That the Central Communal Bank and the Agriculture Bank shall grant women who, due to dismissal from underground jobs, have moved to another locality for permanent residence, loans for the construction of their own homes to the sum of 7,000 roubles for a term of up to seven years according to the procedure established by the Decision of the USSR Council of Ministers of 20 December 1954 No. 2465 and within

the means envisaged in the credit plans of these Banks for crediting individual housing construction.

The heads of enterprises and organisations shall provide women building their own homes with construction material and transport.

9. That the State Labour and Wages Committee of the USSR Council of Ministers shall, in agreement with the All-Union Central Council of Trade Unions, draw up a list of posts connected with underground work where the employment of female labour is permitted according to Clause 1 of the present Decision.

LIST OF UNDERGROUND JOBS WHERE EMPLOYMENT OF FEMALE LABOUR IS PERMITTED AS AN EXCEPTION

Approved by the Decision of the State Labour and Wages Committee of the USSR Council of Ministers of 30 August 1957 No. 292

Heads (directors), chief engineers (technical managers) of mines and pits for the extraction of coal, ore and non-metallic minerals by underground mining and at the construction of underground railways and tunnels and mines; of underground mining, construction assembly, etc. managements, as well as their deputies and assistants.

Heads, chief engineers of mining departments and sections, their deputies and assistants.

Senior engineers, engineers, technicians and other managerial and office staff not engaged in manual work.

Engineers, technicians, laboratory assistants and other workers not engaged in manual work and not permanently working underground.

Chief, senior and section mine surveyors.

Geologists, hydrogeologists and hydrologists.

Staff at research and normative organisations and institutions.

Staff at training centres.

Staff taking a course of training and admitted to probation in the underground sections of enterprises.

Physicians, middle-grade and junior medical personnel and other staff in sanitary services.

Refreshment-room workers, those engaged in preparing drinking water, hawkers and communal services workers.

Operators servicing stationary mechanisms automatically started and cut off, who are not engaged in any manual work.

ON FURTHER MEASURES TO IMPROVE THE WORKING CONDITIONS OF WOMEN EMPLOYED IN THE NATIONAL ECONOMY

Decision of the USSR Council of Ministers and the All-Union Central Council of Trade Unions of 25 April 1978 No. 320

[Extract]

For the purpose of further improving the working conditions of women employed in the national economy and protecting their health the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions decree that:

1. The State Committee of the USSR Council of Ministers on Labour and Social Matters together with the AUCCTU and in agreement with the USSR Ministry of Health shall up to July 1, 1978 approve the new List of industries, trades and jobs with arduous and hazardous working conditions where the employment of women is forbidden, shall also establish the procedure and conditions in which this List is to be applied.[1]

2. The ministries and departments of the USSR, the Councils of Ministers of Union and Autonomous Republics, as well as territorial, regional, areal, town and district Executive Committees of Soviets of People's Deputies and managers of enterprises and organisations shall provide jobs to women

[1] The List has not been reproduced here.

freed from arduous and hazardous jobs and where it is impossible to provide them with employment in their respective trades or professions arrange for their retraining or training in new trades or professions.

3. Women freed from arduous and hazardous jobs under the present Decision shall be guaranteed:

a) a continuous work record if the interval between the day when they were freed from arduous and hazardous jobs and the day they take up another job or studies does not exceed six months;

b) an average monthly pay at the place of their former employment during their training or retraining, but for not more than six months;

c) the right to use departmental living space and pre-school children's establishments at the place of their former work.

4. The State Committee of the USSR Council of Ministers on Vocational Training, and ministries and departments responsible for training labour for the national economy shall terminate, as of 1978, the admission of women for training in the trades enumerated in the List referred to in Para. 1 above.

5. The ministries and departments of the USSR and the Councils of Ministers of Union Republics, together with trade union central committees and republican councils shall up to January 1, 1979 draft and approve measures for 1979-1985 on the mechanisation of manual jobs and the further improvement of women's working conditions.

6. It shall be prescribed that amendments in and additions to the List of industries, trades and jobs with arduous and hazardous working conditions where women shall not be employed are to be made by ministries, heads of departments of the USSR and the Councils of Ministers of Union Republics in agreement with the State Committee of the USSR Council of Ministers on Labour and Social Matters, and with the USSR Ministry of Public Health and the AUCCTU.

7. Control over the implementation of measures provided in the present Decision shall be exercised by the State Committee of the USSR Council of Ministers on Labour and Social Matters and the AUCCTU.

8. The Central Statistical Board of the USSR shall supplement labour statistics with figures relating to the numbers of women freed from arduous and hazardous jobs in industries and economic sectors.

ON THE ADDITIONAL TRANSFER OF SOME QUESTIONS OF ECONOMIC AND CULTURAL CONSTRUCTION TO THE JURISDICTION OF THE COUNCILS OF MINISTERS OF THE UNION REPUBLICS

Decision of the Council of Ministers of the USSR of 29 August 1957 No. 1041

[Extract]

The following questions of economic and cultural construction shall be additionally transferred to the jurisdiction of the Councils of Ministers of the Union Republics:

II

20. To amend and supplement, by agreement with the State Labour and Wages Committee of the USSR Council of Ministers and the All-Union Central Council of Trade Unions, the lists of jobs with hazardous and arduous working conditions where women and adolescents are excluded at enterprises of ministries and departments of a Republic and the Executive Committees of local Soviets of Working People's Deputies.

ON THE FURTHER EXTENSION OF THE RIGHTS OF MINISTERS OF THE USSR

Decision of the Council of Ministers of the USSR of 10 July 1967 No. 641

[Extract]

The ministers of the USSR shall be additionally granted the right:

44. To amend and supplement, by agreement with the State Labour and Wages Committee of the USSR Council of Ministers and the All-Union Central Council of Trade Unions, the lists of jobs with hazardous and arduous working conditions where women and adolescents are excluded at enterprises and organisations of the network of a ministry.

SAFETY ENGINEERING AND PRODUCTION SANITATION RULES IN THE HEAT TREATMENT OF METALS[1]

Approved by the Decision of the Presidium of the Central Committee of the Machine-Building Workers' Trade Union of 6 July 1960

[Extract]

VI. HEAT-TREATING FURNACES AND SPECIAL INSTALLATIONS

95. Workers who have been specially trained and passed medical examination may be admitted to work on repairing, inspecting and cleaning smoke flues. Women and adolescents under 18 shall be excluded from such jobs.

SAFETY ENGINEERING AND PRODUCTION SANITATION RULES ON ELECTRIC WELDING IN SHIELDING GASES

Approved by the Presidium of the Central Committee of the Shipbuilding-Industry Workers' Trade Union on 20 May 1970

[Extract]

1.1. The present Rules shall apply to enterprises and organisations amalgamated in the Shipbuilding-Industry Workers' Trade Union.

1.8. Women shall not be admitted to welding within enclosed rooms and rooms with difficult access mentioned in the notes to Para. 2.7.

Note. This requirement shall not apply to jobs on providing gas shielding at the rear of welded joints, if fresh air is fed to the breathing area.

2.7

[1] By decisions of the presidiums of a number of central trade union committees, these Rules have also been extended to other industries.

Notes: 1. By enclosed rooms (spaces) are understood ship areas enclosed on all sides by surfaces with one or several manholes (hatchways) of a size impeding free-air convection and the easy and rapid passage of workers through them (e.g. compartments, tanks, cofferdams, bilges keel spaces, and reinforced tanks).

2. By rooms (spaces) difficult of access are understood ship areas where, due to their small dimensions, work is difficult and free air-convection is insufficient.

3. A list of enclosed rooms (spaces) and rooms (spaces) with difficult access in ships under construction or undergoing repairs where work must be done by observers using automatic gas-analysers, shall be drawn up for each type of ship by the builder section and the welder section or by the technologist section. The list must be co-ordinated with the safety engineering section and the trade union committee and shall be approved by the chief engineer of an enterprise.

ON A MORE EXTENSIVE EMPLOYMENT OF WOMEN IN SKILLED LABOUR IN AGRICULTURE

(Pravda, 6 February 1969)

The USSR Council of Ministers has adopted a decision "On a More Extensive Employment of Women in Skilled Labour in Agriculture". A number of ministries and departments of the USSR and the Councils of Ministers of the Union Republics have been assigned to take measures for a more extensive employment of women in agricultural production as tractor operators, machine-operators on livestock farms, car drivers, lorry drivers on lorries of up to 2.5 tons or having steering boosters, repair workers, builders and other specialists where female labour may be employed.

The Councils of Ministers of the Union Republics and the State Committee for Vocational Training have been authorised to organise three-year rural vocational schools for training skilled farm workers with secondary education from eight-year school graduates. These schools will train predominantly women tractor operators, machine-operators for livestock farms, electricians, repair workers and skilled workers of other specialities for plant growing, stock-breeding, machine-and-

tractor fleet repair, agricultural and water-supplying construction. It has been established that the graduates of these schools shall receive a certificate of their respective professions and of secondary education with the right of entry into a higher educational establishment.

The USSR Ministry of Public Education has been assigned to improve vocational guidance of pupils in rural general education schools. Special attention should be paid to the development in schoolchildren of an interest in agriculture and a desire to master skilled farm trades. The Ministry is obliged to render continuous aid to the vocational training bodies in organising the teaching of general education subjects in the rural vocational schools. The conditions, norms and procedure of material supplies effective in the rural machine-operator training schools shall also apply to the students of the rural vocational schools. The Government has established that the six-day additional leave stipulated for farm machine-operators shall be extended to twelve days for women tractor-operators employed in agriculture. The standard output for women machine-operators working on tractors, harvester combines and complex agricultural machines shall be established 10 per cent lower than the norms effective on a given farm.

The Ministry of Tractor and Agricultural Machinery Building and the Ministry of General Engineering have been instructed to produce, beginning with 1970, tractors with spring-cushioned weight-and-height-adjustable seats and rigid-frame cabins, flexible-hoe tractors, and tractors with equilibrators and silencers to damp vibrations and noise at the driver's work-place.

Women machine-operators must be first in receiving agricultural machines with more convenient seats, cabine, starters, controllers and maintenance devices.

The State Labour and Wages Committee of the USSR Council of Ministers, the USSR Ministry of Agriculture, and the USSR Ministry of Public Health, in agreement with the All-Union Central Council of Trade Unions, have been instructed to draw up and bring into force a list of jobs and mechanisms where predominantly female labour is recommended.

JOBS AND MECHANISMS WHERE PREDOMINANTLY FEMALE LABOUR IS RECOMMENDED

Approved by the State Labour and Wages Committee of the USSR Council of Ministers, the USSR Ministry of Agriculture, the USSR Ministry of Public Health and the All-Union Central Council of Trade Unions on 29 December 1969

SECTION I

Plant Growing

1. Servicing of mechanically or electrically driven machines for cleaning and grading seeds of grains, legumes, herbs and other cultures.
2. Servicing of potato sorting machines.
3. Herb reaping with self-propelled hay mowers.
4. Servicing of stationary installations for preparation of vitaminous meal.
5. Servicing of machines and equipment of a mechanised barn floor.
6. Servicing of stationary corn shellers.
7. Servicing of stationary ensilage cutters.
8. Flax pulling with mounted flax pulling machines.
9. Flax harvesting and threshing with machines.
10. Straw spreading with a flax spreading machine.
11. Stock raking in packs with machines.
12. Servicing of crushing-and-breaking plants.
13. Washing of seed fruits of vegetable cultures, separation of tomato, cucumber and melon seeds with scouring and seed-separation machines.
14. Mechanised grafting of grapevine.
15. Calibration of cuttings, seedling stocks and grafts with semiautomatic machines.
16. Vegetable growing operations performed with the help of machines and mechanical devices.
17. Machining of inter-row spacing in gardens.
18. Pumping station drivers in irrigation.
19. Irrigation operators.
20. Weighters of automobile balance and automatic scales.

SECTION II

Stock-Breeding

1. Adjusters of machines and equipment in a livestock farm.
2. Driver of a movable power plant.
3. Adjuster of electric shearing apparatus.
4. Mechanised intra-farm transportation and distribution of feed.
5. Servicing straw and hay shredders and hay-meal making machines.
6. Servicing of machines for washing, crushing and steaming of roots.
7. Poultry women and operators where all equipment is mechanised.
8. Milkmaids in mechanical milking of cows.
9. Pumping station drivers.
10. Workers servicing animals on fully mechanised farms.

SECTION III

Repair Works

1. Electricians in automotive electric equipment repairs.
2. Fitters in fuel apparatus repair.
3. Maintenance electricians.

SECTION IV

List of Machines and Mechanical Devices Where Predominantly Female Labour Is Recommended

1. Machines and equipment for stationary grain cleaning and drying aggregates.
2. Grain loaders.
3. Seed cleaning machines.
4. A set of flax processing machines.
5. Potato sorters.
6. Overhead conveyer for gathering cabbages and melons.
7. Machine for washing tomatoes and other vegetables and for seed separation.
8. Machines for harvesting vegetables and their subsequent processing.

9. Melon seed separator and grinder.
10. Machine for sewing up sacks.
11. Thresher for seeded vegetable threshing.
12. Vegetable seed dryers.
13. Winding-and-tying machines.
14. Pot-making machines.
15. Installations for drying up hay in a storage.
16. Feed distributors.
17. Milkers.
18. Milk purifiers and coolers.
19. Feed making machines.
20. Compressors.
21. Machines and equipment for electric power plants.
22. Machines and equipment for hatching and egg storage.
23. Cars and special vehicles of up to 2.5 tons.

Note. Women tractor operators must be the first to receive tractors, combines and other farm machines which are easier to operate and maintain, whose seating, cabins and automatic starters have improved designs, and which conform to the "Uniform Requirements of the Design of Tractors and Farm Machines in Labour Safety and Hygiene".

ON THE WORKING CONDITIONS OF WOMEN TRACTOR- AND LORRY-DRIVERS

Decision of the USSR People's Commissariat of Labour of 9 May 1931 No. 110

[Extract]

In view of the extensive use of tractors and lorries in the socialist sector of agriculture, in transport and other branches of the national economy, there are now more opportunities for the mass employment of women as tractor- and lorry-drivers.

Noting the exceptional importance of the employment of women on these jobs and taking account of the peculiarities of the female organism, which require special working conditions for women, the USSR People's Commissariat of Labour *has decreed*:

1. When entering training courses for tractor- or lorry-drivers, women must take a medical examination. Women with physical defects or diseases included in a special list of the

USSR People's Commissariat of Labour, shall not be admitted to the courses. The procedure of the medical examination shall be determined by internal regulations.

2. Should tractors of different systems be available, women tractor-drivers must work predominantly on caterpillar tractors, provided that they have the required qualifications.

It is only if caterpillar tractors are unavailable or short in number that women may be allowed to work on wheel tractors.

Moreover women tractor-drivers must be the first to receive tractors with starters and other devices to facilitate ignition.

3. Women tractor-drivers working on wheel tractors without soft spring seats must during menstruation on submission of a certificate from a physician or his assistant be transferred to easier jobs for three days with retention of average earnings, and if not allowed to work at all they shall receive temporary disability allowance.

4. Women tractor- and lorry-drivers must take monthly medical examinations. Depending on the results of this examination, women may, in accordance with the requirements of the organs of the People's Commissariat of Public Health or the People's Commissariat of Labour[1] and in conformity with labour legislation, be transferred to another job or dismissed. The procedure of the medical examination shall be determined by internal regulations.

5. This Decision shall apply to all women employed as tractor- or lorry-drivers both in rural localities (on state farms, etc.) and in cities or towns.

INSTRUCTIONS ON THE PROCEDURE FOR ORGANISED RECRUITMENT OF WORKERS

Approved by the Order of the State Committee for Labour Resources Employment of the RSFSR Council of Ministers of 20 March 1970 No. 16

[Extract]

2. Organised recruitment of workers shall be conducted according to the procedure and under conditions established by resolutions of the Council of Ministers of the USSR.

---

[1] Of trade union organs at present.

Organised recruitment of workers shall be carried out on a voluntary basis.

7. For the purpose of creating a permanent work force at enterprises and construction sites, staff requisitions must provide for the employment of up to 20 per cent of workers with families, and in the industries where female labour is employed—of up to 40 per cent of women.

ON MEASURES FOR THE EXTENSIVE EMPLOYMENT OF PENSIONERS, INVALIDS AND HOUSEKEEPERS AT ENTERPRISES PRODUCING CONSUMER GOODS AND PROVIDING SERVICES TO THE POPULATION

Decision of the Council of Ministers of the USSR of 28 August 1969 No. 705

[Extract]

5. It is recommended that the managers of enterprises and the heads of organisations should:

employ more old-age pensioners, invalids and women-housekeepers on part-time work;

employ old-age pensioners, invalids, housekeepers, seasonal workers and others as home-helps.

ON THE EXTENSIVE EMPLOYMENT OF THE UNEMPLOYED ABLE-BODIED POPULATION FOR PART-TIME WORK

Letter of the State Committee for Labour Resources Employment of the RSFSR Council of Ministers of 4 September 1969 No. A-3-69

[Extract]

The Presidium of the USSR Council of Ministers has considered the Note of the All-Union Central Council of Trade Unions (AUCCTU) on the extensive employment of unemployed able-bodied population for part-time work at enterprises and organisations.

The Note indicates that there are many people in the country, especially women, whom it is very difficult to employ

in production, mostly because they are taking care of children in the family.

Employment of these people on part-time jobs may become an essential means for satisfying manpower requirements.

For the purpose of the extensive employment of the unemployed population in socially useful labour the AUCCTU considers it necessary:

to instruct the ministries and departments of industry to promote the extensive employment of the unemployed able-bodied population at enterprises and organisations where part-time work is possible, granting such jobs primarily to women with children, students and partially disabled persons, and require that heads of enterprises and organisations in need of manpower determine production sectors and jobs for part-time work.

REGULATIONS ON THE ALLOCATION OF YOUNG SPECIALISTS GRADUATING FROM INSTITUTIONS OF HIGHER LEARNING AND SPECIALISED SECONDARY EDUCATIONAL ESTABLISHMENTS

Approved by the Order of the Minister of Higher and Specialised Secondary Education of the USSR of 18 March 1968 No. 220

[Extract]

14. The wives (husbands) of servicemen: officers, commanders, as well as re-engaged sergeants and sergeant-majors shall be employed at the place of permanent service of their spouses if work in their speciality is available.

The effect of this paragraph of the Regulations shall not apply to the spouses of servicemen on active duty, as well as to students of military schools.

15. Young women specialists in the event of pregnancy or mothers with a child under one year of age shall be granted work at the place of permanent domicile of the family (husband, parents).

REGULATIONS ON THE ALLOCATION OF WORK TO PERSONS GRADUATING FROM FULL-TIME POST-GRADUATE COURSES

Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers of 20 February 1970 No. 41

[Extract]

13. On completing post-graduate courses, the wives (husbands) of servicemen: officers and re-engaged personnel of the Soviet Army and Navy, the Committee of State Security of the USSR Council of Ministers and personnel of the USSR Ministry of Internal Affairs, as well as commanding officers of the organs of the USSR Ministry of Internal Affairs shall be employed at the place of permanent service of their spouses. The effect of this paragraph of the Regulations shall not apply to the spouses of servicemen on active duty.

14. On completing post-graduate courses, women in pregnancy and mothers with children under one year of age shall be employed at the place of permanent domicile of the family (husband, parents).

REGULATIONS ON THE PROCEDURE FOR CERTIFICATION OF MANAGERS, ENGINEERS, TECHNICIANS AND OTHER SPECIALISTS OF ENTERPRISES AND ORGANISATIONS IN INDUSTRY, CONSTRUCTION, AGRICULTURE, TRANSPORT AND COMMUNICATIONS

Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers and the State Labour and Wages Committee of the USSR Council of Ministers of 5 October 1973 No. 470/267

[Extract]

4. Certification shall be carried out periodically, once in every three to five years. Regular certification shall not cover: persons who have been working in a given post less than one

year; young specialists working by assignment after graduation from educational establishments; pregnant women and mothers with children under one year of age.

REGULATIONS ON THE PROCEDURE FOR CERTIFICATION OF WORKERS OF RESEARCH, DESIGN AND TECHNOLOGICAL ORGANISATIONS AND OF RESEARCH SECTIONS OF INSTITUTIONS OF HIGHER LEARNING

Approved by the Decision of the State Committee for Science and Technology of the USSR Council of Ministers, the State Building Committee of the USSR Council of Ministers in agreement with the All-Union Central Council of Trade Unions of 5 May 1969 No. 175/58

[Extract]

5. Certification at institutions (organisations) shall be carried out periodically, once in every three years, from 1969.

Regular certification shall not cover: persons who have been working at a given institution (organisation) less than one year; young specialists on obligatory assignment after graduation from educational establishments; pregnant women and unmarried women[1] with children under one year of age.

REGULATIONS ON CONDUCTING THE CERTIFICATION OF JUNIOR AND SECONDARY SCHOOL TEACHERS

Approved by the USSR Ministry of Education, in agreement with the All-Union Central Council of Trade Unions on June 14, 1974

[Extract]

2) Certification shall be conducted regularly. Every teacher shall be subject to certification once in every five years.

3) The following will not be subject to regular certification: persons who have worked in a given school for less than one year; young specialists during their three-year probationary

[1] According to the Fundamentals of Labour Legislation and the Labour Codes, regular certification shall not cover women with children under one year of age.

period after completing higher or specialised secondary education, pregnant women or women with children under one year of age.

REGULATIONS ON THE PROCEDURE FOR FILLING THE PROFESSORIAL AND TEACHING POSITIONS AT INSTITUTIONS OF HIGHER LEARNING

Approved by the Order of the Minister of Higher and Specialised Secondary Education of the USSR of 15 May 1973 No. 435

[Extract]

1. Vacant positions on the professorial and teaching staff (heads of faculties, professors, senior lecturers, lecturers and assistants) shall be filled by competition and held for five years.

26. The rector of an institution, before the beginning of every academic year, shall, in agreement with the trade union organisation, approve a schedule for the re-election of those members of staff whose term of service shall expire in the current year of studies.

32. It shall not be permitted to include pregnant women, nursing mothers and women with children under one year of age in the re-election schedule. They may be dismissed only if their institution of higher learning is completely shut down. In this case provision of other work shall be obligatory.

REGULATIONS ON THE PROCEDURE FOR HOLDING COMPETITIVE EXAMINATIONS FOR FILLING STAFF VACANCIES AT THEATRES AND ART COLLECTIVES

Approved by the Order of the USSR Minister of Culture in agreement with the AUCCTU and the State Labour and Wages Committee of the USSR Council of Ministers of 20 February 1960 No. 102

[Extract]

II PROCEDURE FOR CARRYING OUT COMPETITIONS

1. In accordance with the resolution of the USSR Council of Ministers of 30 December 1959 No. 1431, the positions of

artistes, producers, conductors, ballet-masters, choir-masters and painters in theatres, ensembles, orchestras, choirs, philharmonics and other concert organisations shall be periodically replaced by competition.

7. There shall be no competitions for positions:

a) occupied by pregnant women[1] and unmarried mothers with children under three years of age.

SAFETY AND PRODUCTION SANITATION REGULATIONS ON PAINTING ARTICLES IN THE ENGINEERING INDUSTRY

Approved by the Decision of the Presidium of the Central Committee of the Engineering Workers' Union on 27 July 1960 and agreed upon with the Chief State Sanitation Inspectorate of the USSR

[Extract]

1. The present Regulations shall apply to workshops and sections performing painting operations at enterprises and organisations pertaining to the trade union of engineering workers[2] and shall enter into force on 1 April 1961.

DYEING WITH RADIOACTIVE LUMINOUS PAINTS

291. Women must be excused work with radioactive substances during the whole period of pregnancy and for the period of nursing.

---

[1] According to Art. 73 of the Fundamentals of Labour Legislation there may be no competitions for positions occupied by nursing mothers and women with children under one year of age.

[2] These Regulations also extend to a number of other industries.

SANITARY REGULATIONS ON DESIGNING, EQUIPPING AND MAINTAINING WAREHOUSES FOR THE STORAGE OF VIRULENT POISONS

Approved by the Chief Sanitary and Epidemiologic Department of the USSR Ministry of Public Health on 24 June 1965 No. 534-65

[Extract]

1. The present Sanitary Regulations shall apply to all newly designed or reconstructed warehouses for the storage of virulent poisons, except warehouses at industrial enterprises which produce virulent poisons.

52. Adolescents under 18, as well as pregnant women and nursing mothers may not work at such warehouses.

BASIC SANITARY REGULATIONS FOR HANDLING RADIOACTIVE SUBSTANCES AND OTHER IONISING RADIATION SOURCES

Approved by the Chief Sanitary Physician of the USSR on 10 April 1972 No. 950-72 in agreement with the All-Union Central Council of Trade Unions, USSR State Atomic Energy Committee, State Building Committee of the USSR Council of Ministers and USSR Ministry of Internal Affairs

[Extract]

3.18. Women must be excused work where radioactive substances and other ionising radiation sources are applied, for the whole period of pregnancy, and when handling open radioactive substances—also for the period of nursing.

INSTRUCTIONS ON SAFETY PRECAUTIONS IN THE OPERATION OF OPTICAL QUANTUM GENERATORS AT RESEARCH INSTITUTIONS OF THE USSR ACADEMY OF SCIENCES

Approved by the Vice-President of the USSR Academy of Sciences on 21 February 1969

[Extract]

76. A woman shall be transferred to other work if she is harmfully affected by radio frequency electromagnetic fields,

if she has pronounced forms of general diseases, which may become aggravated as a result of the chronic effect of radio frequency fields, or if she is pregnant or nursing.

78. These Regulations shall apply to designing, mounting and operating the HF[1], UHF[2] and SHF[3] installations at all enterprises irrespective of their departmental subordination.

ON THE WORKING CONDITIONS OF INDUSTRIAL AND OFFICE WORKERS EMPLOYED IN THE TIMBER INDUSTRY AND FORESTRY

Decision of the Central Executive Committee and the Council of People's Commissars of the USSR of 7 March 1933 No. 307

[Extract]

8. Pregnant women, nursing mothers and minors of 14 to 16[4] years of age shall be permitted only light work. A list of such jobs shall be enumerated by the USSR People's Commissariat of Labour in agreement with the appropriate People's Commissariats and the Central Committee of the trade union of timber and floatage workers.

REGULATIONS ON THE WORKING CONDITIONS IN OCCUPATIONS SUBJECT TO VIBRATION HAZARDS

Approved by the Decision of the Council of Ministers of the Estonian SSR of 22 January 1973 No. 34

[Extract]

18. The management of an enterprise or organisation operating machines which prevent vibration hazards must

---

[1] High frequency.

[2] Ultra-high frequency.

[3] Super-high frequency.

[4] In accordance with Art. 74 of the Fundamentals of Labour Legislation of the USSR and the Union Republics, it is not permitted to employ persons under sixteen years of age.

In exceptional cases, however, persons who have reached the age of fifteen may be employed with the consent of the factory or office trade union committee.

secure the observance of effective sanitary regulations paying special attention to the following conditions:

4) Pregnant women and women with disturbed ovarian menstrual function may not be permitted to work where they may be brought into contact with the effect of general vibrations.

RECOMMENDATIONS ON THE EMPLOYMENT OF PREGNANT WOMEN AT LIGHT INDUSTRY ENTERPRISES[1]

Letter of the USSR Ministry of Public Health and the Central Committee of the Textile and Light Industry Workers' Union of 20 May 1964 No. 06-14/11-a

[Extract]

To the ministers of public health of the Union Republics, departments of textile and light industry, chairmen of republican, territorial and district trade union committees of textile and light industry workers.

In view of the great importance of protecting the health of pregnant women at industrial enterprises, the USSR Ministry of Public Health, together with the Central Committee of the Textile and Light Industry Workers' Union, with the participation of workers at a number of research and other institutions, have drawn up the following "Recommendations on the Employment of Pregnant Women at the Light Industry Enterprises".

These recommendations are aimed at helping physicians and economic and trade union organisations transfer pregnant women to less intensive or easier work.

Physicians at women's consultation clinics, and obstetricians and gynecologists at medical units must be guided by the recommendations.

---

[1] On 31 March 1975 the USSR Ministry of Public Health, the USSR Ministry of Light Industry and the Central Committee of the Textile and Light Industry Workers' Union approved, as regards the textile industry, the special "Recommendations on the Employment of Pregnant Women on Easy or Less Intensive Jobs at Textile Enterprises" taking into account the utilisation of new machines and equipment. For other branches of light industry the previous Recommendations remain in force.

In each particular case the question of the transfer of pregnant women to easier work shall be decided according to state of health, the progress of pregnancy, working conditions, and the degree of mechanisation of production with due account of the specific conditions obtaining in each industry.

Physicians must supervise the course of pregnancy and together with the trade union organisations keep continuous check on the correct employment of pregnant women in favourable working conditions.

A medical certificate on the need to change working conditions for pregnant women in conformity with the recommendations shall be binding on the heads of enterprises and economic organisations.[1]

Notes. 1. The transfer of pregnant women to less intensive or easier work shall be carried out on the basis of a medical certificate issued by a gynecologist or obstetrician.

2. The gynecologist or obstetrician, when transferring a pregnant woman to a less intensive or easier job, must follow the present Recommendations, departures from which can only be made when they are necessitated by the working conditions or complications during pregnancy.

3. By light work shall be understood all jobs (mentioned in the above list[2]) to which pregnant women may be transferred. By less intensive work shall be understood jobs with lower standard output and with periodic rest during working hours.

4. It shall not be recommended to employ pregnant women on jobs where kerosene or other organic compounds are used.

5. In conveyer production, the transfer of pregnant women to light work on the conveyer shall be done from the sixteenth week of pregnancy.

6. The provision of paragraph 5 shall not apply to conveyer jobs without forced rhythm or with programme control (the Varion conveyer may be cited as an example of the conveyer without a forced rhythm).

7. Pregnant women shall not be required to lift weights

---

[1] A list of recommended light work given in the present Letter is not reproduced here.

[2] The list is not reproduced here.

heavier than eight kilograms from the date of the establishment of pregnancy.

8. With symptoms of toxicosis a pregnant woman shall be prohibited to work with all glues.

9. Women shorter than 150 cm in height shall not be required to work on tall equipment after the sixteenth week of pregnancy.

10. Pregnant women shall not be required to work continuously at a temperature below — 10°C and above 28°C should the average temperature of the air outside at 1 p.m. during the hottest month not exceed 25°C. In localities with an average outside air temperature of up to 28°C at 1 p.m. during the hottest month, work shall be prohibited at temperatures above 30°C. In localities with the average outside air temperature over 28°C at 1 p.m. during the hottest month, work shall be prohibited at temperatures above 33°C.

11. It shall be obligatory to transfer pregnant women from premises where contact is possible with harmful substances.

12. Where there are consumer goods workshops, work for pregnant women must be secured thereat by the management.

13. If measures are taken to mechanise labour-intensive jobs, measures that will considerably facilitate female labour, the management together with the gynecologist or obstetrician and the polyclinic shall raise the question before the Economic Council, regional trade union committee and regional public health department, of introducing the necessary amendments into the recommendations for determining the period of transfer and the character of jobs.

The USSR Ministry of Public Health and the Central Committee of the Textile and Light Industry Workers' Union must be informed of all developments.

14. Should it be impossible to employ pregnant women at their normal place of work, the management shall be entitled to employ them on light jobs in other workshops of the enterprise.

15. In accordance with Article 129 of the RSFSR Labour Code[1] female labour shall not be permitted in a number of

[1] At present in accordance with Art. 160 of the RSFSR Labour Code (see pp. 80-81).

operations in the soaking and ash shops at tanneries where work is connected with the transportation, unloading and loading of hides.

16. If there is local vibration from machines and tools, gynecologists or obstetricians together with the workers of the sanitary department must change the period of transfer of pregnant women depending on the vibration plane, the oscillation amplitude frequency, the oscillating motion velocity and acceleration, and the duration of the effect upon the organism of the pregnant woman.

17. It shall not be recommended to employ women after the twentieth week of pregnancy in operations performed in an upright posture.

18. Gynecologists and obstetricians attending industrial enterprises must conduct a thorough study of the working conditions at every enterprise so that pregnant women can be employed correctly and efficiently.

ON MEASURES TO IMPROVE THE WORKING CONDITIONS, SANITARY AND MEDICAL ATTENDANCE OF EMPLOYEES AT BUILDING PROJECTS AND IN THE BUILDING MATERIALS AND CONSTRUCTION INDUSTRIES

Decision of the USSR Council of Ministers and the All-Union Central Council of Trade Unions of 9 August 1966 No. 622

[Extract]

4. The State Building Committee of the USSR Council of Ministers together with the State Labour and Wages Committee of the Council of Ministers of the USSR, the All-Union Central Council of Trade Unions and the USSR Ministry of Public Health shall ensure the fulfilment of research work in the period 1966-1970 by research institutions under their jurisdiction with the participation of branch institutes with a view to preparing proposals for the improvement of the labour conditions primarily of women employed on arduous and hazardous jobs at construction site, and in the building

materials and construction industries, and determining standards for the total weights that women can move by hand during a work shift, and other relevant norms.

RECOMMENDATIONS ON FACILITATING CONDITIONS FOR FEMALE LABOUR ON HEAVY CONSTRUCTION WORK IN THE MEDIUM CLIMATIC ZONE[1]

The Recommendations have been considered and approved by the Scientific and Technical Council of the All-Union Research and Design Institute of Labour in Construction and have been agreed upon with the Central Committee of the Construction and Building Materials Workers' Union

[Extract]

I. ON THE LIMITATIONS ON THE WEIGHT OF LOAD TO BE CARRIED BY WOMEN

1. The maximum permissible load to be carried by a woman on a level surface by hand shall be 10 kg.
2. The maximum permissible load to be carried by two women together on a level surface by hand shall be 30 kg.
3. The maximum permissible total load to be carried by a woman on a level surface per shift shall be 7 tons.
4. The maximum permissible load turnover when carrying loads of different weights shall be 30,000 kg/m per shift.

II. ORGANISATION OF THE INTRASHIFT WORK-AND-REST SYSTEM

1. By an intrashift work-and-rest system shall be understood the alternation and duration of the periods of work and rest.

---

[1] These recommendations have been elaborated in accordance with the Resolution of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions of 9 August 1966 No. 622 (see page 115).

2. The observance of an intrashift work-and-rest system is efficient only if the above recommendations on the limitations on the load carried by women are complied with.

3. For women stone-masons the following intrashift work-and-rest regime shall be recommended: 15 minutes rest after every 50 minutes work.

There shall be six breaks during a shift in all for a total duration of 90 minutes (19 per cent of the working time).

4. For women working on the transport of loads the following intrashift work-and-rest system shall be recommended: 20 minutes rest after 50 minutes work.

There shall be six breaks during a shift in all for a total duration of 120 minutes (25 per cent of the working time).

5. The total time for breaks shall not exceed 25 per cent of the working time.

6. The intrashift work-and-rest system shall be supervised by foremen and section leaders.

V. IMPROVING WORKING CONDITIONS

1. Women who have been working in a given trade for less than three years shall not be required to perform permanent work of a strenuous nature (such as digging, working with concrete, transporting heavy loads and other similar work).

2. Women shall not be required to carry huge, bulky and dangerous loads.

3. In mixed teams the loads for women must be less than those for men (for a factor of 0.8).

4. To decrease the physical strain on women in heavier operations (mixing mortar, digging and concrete work), women must use a small and light spade whose weight with the load may not exceed 5 kg.

5. The recommended limitations on the load carried by women and the intrashift work-and-rest system (those recommended and also those determined for trades excluded from the present Recommendations) must be taken into account when drawing up production charts.

6. The delivery of materials to the work-site and loading and unloading operations must be mechanised to the maximum.

VI. THE DISEASES AND PHYSICAL DEFECTS WHICH EXCLUDE THE EMPLOYMENT OF WOMEN ON STRENUOUS MANUAL WORK

1. Organic cardiovascular diseases, including those with stable compensation. Hypertension of all stages, coronary insufficiency, stenocardia, paroxysmal tachycardia and all diseases of the cardiovascular system of neurogenous aetiology.

2. Chronic respiratory tract and pleural membrane ailments, chronic bronchitis, recidivous pneumonias, bronchiectatic disease, pneumosclerosis, pulmonary emphysema, bronchial asthma, active and stably compensated tuberculosis, chest deformities affecting the respiratory and blood circulation functions.

3. Bone and joint system deformities, deforming and ankylosing diseases of bones and joints, muscle diseases, inflammatory diseases of the locomotor system.

4. Pronounced phlebectasia of the lower extremities, thrombophlebites, hemorrhoids, hernias, visceral ptoses and prolapsus.

5. Female sexual system diseases, including prolapsus or ptosis of the uterus and vaginal walls, all chronic inflammatory processes, persistent curvatures of the uterus, neoplasms, all functional diseases of female genitals, normal pregnancy.

6. Chronic diseases of kidneys and urinary tracts, nephrolithiasis.

7. Chronic diseases of the gastroenteric tract.

8. Diseases of endocrine glands and metabolism disturbance.

9. Diseases of the central and peripheral nervous system.

10. Diseases of blood and hematogenic organs.

11. Neuroses and mental diseases.

12. Chronic inflammatory diseases of the eye, glaucoma.

13. Chronic inflammatory diseases of the ear, persistent deafness.

14. Vestibular apparatus functional disturbance of any aetiology.

15. Chronic and frequently recidivous skin diseases.

The above set of recommendations will promote:

— considerable improvement of the functioning of the female organism and elimination of fatigue;

— a decrease in occupational diseases, and an increase in professional length of service;

— labour productivity increase of up to 11% (as a result of stable efficiency throughout a working shift);

— the extensive employment of women in construction and the lower fluctuation and higher stability of labour;

— higher efficiency at home, which will improve the psychological atmosphere in the family and the upbringing of children.

ON THE MAXIMUM PERMISSIBLE LOADS TO BE MOVED BY ADOLESCENTS

Binding the Resolution of the RSFSR People's Commissariat of Labour of 4 March 1921 extended to the whole territory of the USSR by the Decision of the USSR People's Commissariat of Labour and the USSR Supreme Economic Council of 14 November 1923 No. 154

[Extract]

1. Adolescents under 18 may under no circumstances be employed on work consisting exclusively in carrying or moving weights over 10 pounds (4.1 kg). Adolescents of both sexes may carry and move weights within the limits mentioned below only if this is directly connected with the performance of their permanent work and does not take more than one-third of the working time.

2. The following maximum permissible norms for carrying and moving weights per worker shall be established for male adolescents at the age of 16 to 18 years:

a) *Carrying weights.* For male adolescents of 16 to 18—40 pounds (16.4 kg), for female adolescents of 16 to 18—25 pounds (10.25 kg).

b) *Moving weights in rail cars.* For male adolescents of 16 to 18—30 poods (492 kg), for female adolescents of 16 to 18—20 poods (328 kg). When moving a car on an inclined plane the maximum gradient (i.e. the ratio of the maximum height to the length) must not be greater than 0.01.

c) *Moving weights in single-wheeled wheelbarrows.* For male adolescents of 16 to 18—3 poods (49.2 kg). Female adolescents under 18 shall not be allowed to move weights in wheelbarrows

at all. Movement of weights in wheelbarrows shall be permitted only along boards, whose maximum gradient must not be greater than 0.02.

d) *Moving weights in two-wheeled hand-carts.* For male adolescents of 16 to 18—7 poods (114.8 kg) when moving on an even floor, whose maximum gradient must not be greater than 0.02, and 3.5 poods (57.4 kg) when moving on rough soil and wood-block or cobble-stone road, with the maximum gradient within 0.01. Female adolescents under 18 shall not be permitted to move weights in two-wheeled hand-carts.

e) *Moving weights in three- and four-wheeled carts.* For male adolescents of 16 to 18—5 poods (82 kg), for female adolescents—3.5 poods (57.4 kg). Weights in three- and four-wheeled carts may be moved by adolescents only on an even (asphalt, wooden, plate, etc.) floor with the maximum gradient within 0.02.

Note. All the weight cited in subparagraphs *b* to *e* include the weight of the vehicle.

ON THE APPROVAL OF THE LIST OF JOBS WHICH ENTITLE THE WORKERS TO RECEIVE FREE MEDICAL-PROPHYLACTIC MEALS IN CONNECTION WITH ESPECIALLY HAZARDOUS WORKING CONDITIONS; THE RATIONS OF THESE MEALS AND THE RULES OF THEIR DISTRIBUTION[1]

Decision of the Labour and Wages State Committee of the USSR Council of Ministers and the Presidium of the All-Union Central Council of Trade Unions of 10 February 1961 No. 122/3

REGULATIONS ON THE FREE DISTRIBUTION OF MEDICAL-PROPHYLACTIC MEALS

[Extract]

3. Medical-prophylactic meals shall be issued to workers on the days when they actually perform any of the jobs,

[1] The list has not been reproduced here.

mentioned in the List, and also on the days when they are temporarily disabled due to sickness, if the latter is occupational and a worker has not been hospitalised.

4. Medical-prophylactic meals shall also be issued:

e) to women employed to the date of maternity leave in work entitling them to receive medical-prophylactic meals free of charge—for the whole period of that leave.

If pregnant women are, on the recommendation of a medical-consultation commission, transferred to other work for the purpose of avoiding contact with hazardous products before their leave, they will continue receiving the medical-prophylactic meals throughout the whole period before and during the maternity leave.

8. If sick workers or occupational invalids entitled to free medical-prophylactic meals in accordance with paragraph 3 and subparagraphs *c*, *d*[1] and *e* of paragraph 4 of the present Regulations cannot receive the meals in the canteen of an enterprise, they may receive such meals at home only on the strength of the relevant certificates from the medical unit of the enterprise.

ON THE PROCEDURE FOR GRANTING ADDITIONAL LEAVE WITHOUT PAY TO NURSING MOTHERS (UNTIL THE CHILD REACHES THE AGE OF ONE)

Explanation issued by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on 30 March 1970 No. 4/11

The Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions hereby issue the following explanation.

---

[1] Subparagraphs *c* and *d* are not reproduced here because they do not deal with women.

1. In accordance with para. 10 of the Resolution of the CC CPSU and the USSR Council of Ministers of 5 July 1968 No. 517 the managers of enterprises, institutions and organisations are obliged to grant nursing mothers on request, after the expiry of maternity leave, additional leave without pay[1] until the child reaches the age of one. The right to this leave also extends to women who have adopted children directly from a maternity home.

2. The period of the additional leave without pay granted to nursing mothers shall be included both in the general and in the continuous length of service, as well as in the length of service in a speciality and shall be taken into account: when assigning allowances through state social insurance; when assigning state pensions, including pensions on privileged terms and in privileged amounts; when paying lump-sum bonuses or long-service increments to wages; when establishing salary rates for educationalists, public health workers, librarians and some other specialists whose salaries depend on the length of service; when granting privileges to workers of the Far North and equivalent localities.

3. The additional leave without pay granted to nursing mothers shall not be included in the length of service entitling workers to further regular and additional leave. When estimating the average earnings on the basis of which calculation is made for payment during leave (or of compensation for unused leave), no account shall be taken of leave without pay and average earnings shall be calculated only on the basis of the time during twelve months when a woman was actually at work.

4. No entry in the work-book shall be made of the fact that a nursing mother has been granted additional leave without pay.

---

[1] See Art. 71 of the Fundamentals of Labour Legislation of the USSR and the Union Republics and Arts. 167 and 168 of the RSFSR Labour Code on pages 77, 83.

ON THE PROCEDURE FOR CALCULATING THE AVERAGE EARNINGS TO BE RETAINED BY PREGNANT WOMEN AND NURSING MOTHERS WHEN THEY ARE TRANSFERRED TO OTHER WORK

Explanation issued by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on 15 May 1975 No. 121/14

[Extract]

In accordance with Art. 70 of the Fundamentals of Labour Legislation of the USSR and the Union Republics, pregnant women when transferred to easier work, as well as nursing mothers and women with children under one year of age when transferred to other work in the event that they are unable to carry out their regular employment, shall continue to draw their previous average pay. The average pay shall be calculated on the basis of their earnings during the previous six months prior to the transfer (excluding the period of maternity leave).

INSTRUCTIONS ON THE PROCEDURE FOR APPLICATION OF THE LIST OF HAZARDOUS INDUSTRIES, WORKSHOPS, TRADES AND PROFESSIONS WHERE WORKERS ARE ENTITLED TO ADDITIONAL LEAVE AND SHORTER WORKING HOURS[1]

Approved by the Decision of the Labour and Wages State Committee of the USSR Council of Ministers and the Presidium of the All-Union Central Council of Trade Unions of 21 November 1975 No. 273/П-20

[Extract]

8. Additional leave shall be granted together with annual leave. It shall not be permitted to refuse annual leave to engineers, technicians, industrial and office workers entitled to additional leave in connection with hazardous working conditions.

---

[1] The list has not been reproduced here.

The additional leave shall be granted in accordance with the List to engineers, technicians, industrial and office workers in full, if they have actually worked in the hazardous industries, workshops, professions and trades not less than eleven months in a working year.

The length of service entitling the above workers to be granted additional leave shall also include:

a) a temporary disability period;

b) the period of maternity leave, the period of transference to light work due to pregnancy, as well as the period of transference to other work while they are nursing or taking care of children under one year of age.

ON THE PROCEDURE FOR CALCULATING ANNUAL WORKING HOURS FOR CERTAIN CATEGORIES OF WORKERS AT PUBLIC CATERING ENTERPRISES OFFERING SEASONAL WORK

Explanation by the Labour and Wages State Committee of the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions of 28 November 1962 No. 23/29

[Extract]

9. Calculating annual working hours at public catering enterprises offering seasonal work shall not be permitted for persons under 18 years of age, pregnant women (from the fourth month of pregnancy) and nursing mothers.

STATUTE ON THE RIGHTS OF A FACTORY OR OFFICE TRADE UNION COMMITTEE

Approved by the Decision of the Presidium of the Supreme Soviet of the USSR of 27 September 1971

[Extract]

24. The factory or office trade union committee, together with the management of an enterprise, institution or organisa-

tion, shall take measures to guarantee the privileges and preferences established by legislation for women, the protection of their health, and the improvement of their working and living conditions.

REGULATIONS ON THE COMMISSION OF THE PRESIDIUM OF THE ALL-UNION CENTRAL COUNCIL OF TRADE UNIONS (AUCCTU) FOR WORK AMONG WOMEN

Decision of the Presidium of the All-Union Central Council of Trade Unions of 10 October 1969, Minutes No. 19, para. 9

I. GENERAL PRINCIPLES OF THE ORGANISATION AND WORK OF THE COMMISSION

1. The Commission of the AUCCTU Presidium for Work among Women shall be established for considering and preparing questions connected with the improvement of the working, living and leisure conditions for women and for promoting the implementation of the AUCCTU resolutions on these questions.

2. The Commission for Work among Women shall be composed of a Chairman, a Deputy Chairman and Members of the Commission from among members and candidate-members of the AUCCTU, as well as of specialists from state and social organisations.

3. The main direction of the work of the Commission shall be defined by the present Regulations.

II. THE WORK OF THE COMMISSION

4. The Commission shall take part in elaborating and considering proposals and recommendations on separate problems and long-term questions relating to the improvement

of the working, living and leisure conditions of women, the protection of maternity and childhood, and provision of services to children, including:

the creation of conditions for efficient labour, the development of the women's initiative in socialist emulation and the communist labour movement, and their extensive participation in the work of the working people's creative associations;

the professional training of women and the raising of their qualifications;

the creation of easier and healthier working conditions for women, and the provision of sanitary-hygienic and other services for them at work;

the protection of maternity, childhood and childbirth, and the rendering of assistance to women in bringing up children;

the organisation of leisure;

the organisation of the work of children's nurseries, etc. and of other services aimed at facilitating housework;

the sanitary-hygienic, pedagogic, moral and ethical education of women, girls and young mothers.

The Commission shall take part in drawing up the AUCCTU conclusions on the draft long-term and current plans for the economic development of the USSR and the RSFSR, shall render methodological and practical assistance to trade union councils and committees and study and generalise the experience gained through work among women.

III. THE RIGHTS AND DUTIES OF THE COMMISSION

5. The Commission may submit its proposals to the Presidium and Secretariat of the AUCCTU.

6. The AUCCTU Commission, when preparing materials on the problems under elaboration, may hear the information supplied by representatives of trade union bodies and organisations under their jurisdiction.

7. The Commission may give assignments to representatives of trade union bodies and organisations under their jurisdiction, as well as to specialists.

8. During the sessions of the Commission its members shall be released from their production and official functions while retaining average pay from their regular employment at the expense of the AUCCTU.

9. The Commission shall periodically inform the AUCCTU Presidium about its activities.

IV. RULES OF PROCEDURE

10. The Commission shall meet whenever necessary. These sessions shall be considered competent if attended by a quorum consisting of more than half the members. All questions in the Commission shall be decided by a simple majority of votes of members of the Commission present at each session.

11. The Chairman of the Commission shall direct its activities, convene its sessions and organise their preparation, summon the members to sessions, and preside at them, establish relations with AUCCTU departments, trade union councils and committees and inform members of the Commission of the fulfilment of Commission's resolutions and the consideration of its recommendations.

12. The plan of the Commission's work shall be considered and approved at a session of the Commission.

13. The Commission shall function in contact with the appropriate AUCCTU departments and the trade union organisations under their jurisdiction.

14. Departments and trade union organs, trade union central committees and councils shall render all possible assistance to the Commission in preparing relevant materials.

15. Expenditures entailed by the Commission shall be covered by the AUCCTU.

REGULATIONS ON THE COMMISSION FOR WORK AMONGST WOMEN IN FACTORY AND OFFICE TRADE UNION COMMITTEES

Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of September 3, 1976

[Extract]

A commission for work amongst women in factory and office trade union committees shall be set up for the purpose of

increasing the social, political and labour motivation of women as well as improving the work of the trade unions in their task of creating healthy and safe labour conditions for women workers, providing better social, cultural and medical services and helping mothers bring up their children.

The commission shall work under the guidance of the factory and office trade union committee and function during the term of office of that committee.

The commission shall be made up of trade union activists, exemplary workers and innovators, engineers and technicians, white-collar workers, instructors from sponsored educational establishments and workers in cultural and educational institutions. The commission shall be headed by one of the members of the factory and office trade union committee.

By a decision of the factory and office trade union committee the commission may be set by the shop-floor trade union committee.

Those serving on the commission shall be approved at a meeting of the factory and office or shop-floor trade union committee. The commission elects a chairman and vice-chairman. The duties of the members of the commission shall be apportioned according to their individual fields. The number of members serving on the commission shall be determined by the trade union committee.

The commission's work plan shall be approved by the factory and office or shop-floor trade union committee.

The Work of the Commission

The commission for work among women together with the appropriate commissions of the factory and office trade union committee shall:

encourage women to be involved in the socialist emulation drive which is designed to further the early fulfilment of production plans, to increase labour productivity and improve the quality of output;

attract women into active participation in managing production, and encourage technical innovation and rationalisation;

help women master advanced labour methods, improve their working qualifications, encourage the study of advanced experience, and the expansion of evening classes and correspondence courses for women who are still at work as well as schools of communist labour and economics;

study labour conditions on shop-floors and sections where women are chiefly employed; ensure that the management fulfil safety and sanitation requirements;

draw up recommendations for the factory and office trade union committee for limiting the number of women engaged in heavy, manual and unskilled labour as well as on night work and in conditions where work is dangerous;

bring to the consideration of the factory and office trade union committee any amendments to the draft plan for the social development of the work collective and the collective agreement to the section "Improvement of Labour and Living Conditions of Women Workers" as well as promoting the timely fulfilment of obligations undertaken;

ensure that women workers are provided with the necessary health and social services as well as working clothes, shoes and any other necessary forms of individual protection;

check that the administration observes legislation on labour safety;

make a study of the medical services available to women, reveal the causes of absenteeism through sickness and work out measures to promote health through preventive medicine and health education;

improve social service for women via: opening sections at the factory or near to it where orders may be taken for groceries, and prepared food and delicatessen, setting up everyday services reception centres, and increasing the number of cafes and laundries in the housing estates;

ensure that women's hostels are kept in a good state of repair and are furnished with the necessary equipment and amenities and help organise educational and cultural work there;

encourage increased participation by women in social and political activities and ensure that they have the necessary conditions for them to take part in interest and amateur performance circles;

organise in work collectives which consist chiefly of women the widespread campaign to encourage women to take up

physical culture and sport in the various women's groups arranged for this purpose and to join in doing physical exercises called production gymnastics during short intervals in work;

study and discuss questions relating to the expansion of pre-school institutions and supervise their work, supervise the enrolment of children in them and organise summer holidays for schoolchildren;

offer help in the education of children, encourage women to attend child education and communist upbringing classes and popularise the experience of parents who know how to bring up their children;

show constant concern for mothers of several children and unmarried mothers making sure that they receive the state benefits due to them and are fully attentive to the demands of their families.

REGULATIONS GOVERNING THE WORK OF TRADE UNION TECHNICAL INSPECTORS

Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 26 August 1966, as amended and supplemented by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 20 January 1969

[Extract]

II. DUTIES OF A TRADE UNION TECHNICAL INSPECTOR

12. In carrying out supervision, a technical inspector shall check:

g) the economic bodies' observance of the legislation on the system of working time and time off for industrial and office workers and of the legislation on labour protection for women and adolescents.

ON PUBLIC INSPECTORS FOR LABOUR PROTECTION

Decision of the USSR Council of People's Commissars of 30 June 1931

[Extract]

In the interests of improving labour protection and safety precautions in industry and increasing workers' control over the implementation of labour laws, the USSR Council of People's Commissars *decrees*:

1. Public inspectors for labour protection shall be appointed to all state enterprises, as well as in transport, construction and state farms. Their work shall be directed by state labour inspectors.[1]

2. Public inspectors for labour protection shall be appointed by factory and office trade union committees from the number of shock workers, engineers and technicians who are trade union members and do not occupy administrative economic posts, for a term of one year on a voluntary basis.

REGULATIONS ON PUBLIC INSPECTORS FOR LABOUR PROTECTION

Approved by the Presidium of the All-Union Central Council of Trade Unions on 21 January 1944

[Extract]

2. A public inspector for labour protection in a trade union group must:

h) check the observance of legislation on work hours, days off, leave and meal-breaks, and on female and adolescent labour.

---

[1] Trade union technical inspectors at present.

ON THE PRACTICE OF CONSIDERATION GIVEN BY THE COURTS TO CASES OF REINSTATEMENT

Directive of the Plenary Session of the Supreme Court of the USSR of 22 January 1974

[Extract]

3. In considering cases where claims for reinstatement have been brought by women, the courts must verify whether they have been dismissed with due observance of the provisions of Art. 73 of the Fundamentals of Labour Legislation of the USSR and the Union Republics which stipulates that it is not permitted to dismiss, on the initiative of the management, a pregnant woman, nursing mother or mother with a child under one year of age unless the institution, enterprise or organisation concerned is completely shut down, in which case dismissal is only permitted if the woman is provided with other employment.

ON THE APPLICATION BY THE COURTS OF THE NORMS OF THE RSFSR LABOUR CODE GOVERNING FEMALE LABOUR

Directive of the Plenary Session of the Supreme Court of the RSFSR No. 6 of 17 September 1975

[Extract]

Soviet labour legislation grants and guarantees women not only equal rights with men to labour, its remuneration, rest and leisure, annual paid leave and healthy and safe working conditions, but also additional privileges and preferences aimed at protecting her health and maternity.

As has been shown by the study of judicial practice carried out jointly with the RSFSR Ministry of Justice and the RSFSR Procurator's Office, the courts pay great attention to the examination of cases connected with the protection of female labour rights, and on the whole they solve these cases correctly.

There are, however, certain shortcomings, including non-uniform application of certain norms of labour legislation.

The Plenary Session therefore decrees that the courts be given the following instructions:

1. The courts must pay attention to the necessity of correct and opportune examination of cases concerned with the

protection of female labour rights, and to the strict observance of women's additional privileges and preferences designed to preserve their health and create the necessary conditions for the successful combination of maternity and active participation in production and socio-political life.

2. When considering labour disputes it is necessary to follow not only the general norms of labour legislation and the rules established by Chapter XI of the Labour Code on female labour, but also other acts granting women additional privileges and preferences, and the provisions of the collective agreement of a given enterprise or organisation, unless they run counter to the law.

3. Taking into account that in accordance with Art. 162 of the RSFSR Labour Code it is prohibited to employ pregnant women, nursing mothers or women with children under one year of age on night and overtime work, work on days off, or to send them on an assignment, their refusal to perform such work, irrespective of the character of their labour duties, may not be considered as violation of labour discipline (e.g., performance of labour functions away from the place of permanent work).

Neither shall it be considered a violation of labour discipline if a woman with children from one to eight years of age refuses to work overtime or go on an assignment, because employment of such a woman on overtime work or sending her on an assignment is permitted only with her consent (LC, Art. 163).

4. Inasmuch as the law (LC, Art. 162) does not relate the prohibition of night work for a pregnant woman, a nursing mother and a woman with children under one year of age to the performance of such work during the whole shift—the refusal to work at night cannot also be considered as a violation of labour discipline when only a part of working hours falls during the hours of night.

5. Taking into account that Art. 164 of the LC provides for a transfer of a pregnant woman, in conformity with a medical certificate, to easier work and for a transfer of a nursing mother or a woman with a child under one year of age to other work, if she is unable to carry out her regular employment, refusal to grant such work may be disputed judicially.

Should such a claim be valid the court shall adjudicate that the management of an enterprise, institution or organisation must transfer the plaintiff to other work.

If easier work is unavailable at a given enterprise, institution or organisation, the court may oblige the management, in conformity with a medical certificate, to make her work easier while preserving her previous pay.

6. Bearing in mind that additional leave without pay granted nursing mothers until the child reaches one year of age may, by virtue of Art. 167 of the LC, be used in whole or in part, if a woman is refused her previous job on her return before the expiry of the period of the leave, she may bring a suit in court for reinstatement in her previous job, provided that the extrajudicial procedure for examining the dispute has been observed.

8. The rule of Art. 170 of the LC shall also apply if the management, on dismissing a woman, was unaware of her pregnancy.

10. To indemnify the material damage sustained by an enterprise, institution or organisation in connection with an illegal dismissal or transfer to another job and to prevent infringements of women's labour rights, the courts should strictly observe the requirements of Art. 215 of the LC and must charge material liability on the officials guilty of an expressly illegal dismissal or transfer.

11. The courts shall be recommended to consider female labour disputes more often in assizes and to add riders to their judgements on having established that through the fault of officials the rights of a woman guaranteed by labour legislation have been violated, and to systematically generalise and analyse the practice of applying legislation governing female labour.

MODEL RULES OF THE COLLECTIVE FARM

Adopted by the Third All-Union Congress of Collective Farmers and approved by the Decision of the CC CPSU and the USSR Council of Ministers of 28 November 1969 No. 910

[Extract]

33. Women collective-farm members shall be entitled to maternity leave; pregnant women shall be given easier work; nursing mothers shall be provided the necessary conditions for the feeding of the babies, and they may be granted additional leave.

MODEL INTERNAL REGULATIONS FOR COLLECTIVE FARMS

Approved by the All-Union Collective Farm Council Decision of 4 March 1970

[Extract]

12. For the purpose of carrying out all work in the collective farm in time, an obligatory minimum of labour shall be established for able-bodied collective farmers.

By resolution of a general meeting of collective farmers (or a meeting of representatives) the minimum labour share may be reduced for Group Three invalids, women with more than three pre-school age children and nursing mothers.

17. Nursing mothers, on their personal request, may be granted by the collective farm board additional leave without pay, the days of the leave being included in the obligatory minimum labour share.

20. The chief (senior) production specialists and heads of production units shall:

strictly observe the existing rules governing the work of women tractor- and lorry-drivers;

not assign nursing mothers and pregnant women to night work;

grant pregnant women, nursing mothers, invalids and aged collective farmers easier work in the vicinity of their homes;

grant nursing mothers additional time off after every three hours of work for feeding the child.

29. The collective farm shall also cover, in whole or in part, the expenses for the maintenance of the collective farmers' children in kindergartens, crèches, boarding-schools, and day nurseries, and may grant accomodations at Young Pioneer camps at a reduced price.

STATUTE OF TRADE UNIONS OF THE USSR

Approved by the 13th Trade Unions Congress and partly amended by the 14th Trade Unions Congress on 4 March 1968 and by the 15th Trade Unions Congress on 24 March 1972

[Extract]

8. Women trade union members who have temporarily stopped working to look after their children shall retain the

right to remain trade union members for one year and shall be entitled to use the cultural and other services equally with all the other trade union members. In case they resume work, their previous trade union membership length shall be retained regardless of the duration of the period away from work.

MODEL REGULATIONS OF THE MUTUAL AID FUND UNDER A TRADE UNION COMMITTEE

Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 23 November 1973

[Extract]

6. A woman member of the mutual aid fund who has temporarily stopped working to look after her children shall retain the right to remain a fund member until she is crossed off the trade union register.

V
Social Insurance and Social Welfare for Women

REGULATIONS ON THE PROCEDURE FOR GRANTING AND PAYING ALLOWANCES TO PREGNANT WOMEN, MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS

Approved by the Decision of the USSR Council of Ministers of 12 August 1970 No. 659

[Extract]

In accordance with the Decrees of the Presidium of the Supreme Soviet of the USSR, "On the Increase of State Assistance to Pregnant Women, Mothers of Several Children and Unmarried Mothers, on Greater Protection of Mother and Child, on the Establishment of the Mother-Heroine Honorary Title, Maternal Glory Order, and Maternity Medal" (8 July 1944), "On the Amount of State Allowances to Mothers of Several Children and Unmarried Mothers" (25 November 1947), "On Improving the State Aid to Mothers of Several Children and Unmarried Mothers and Improving the Working and Living Conditions of Women" (19 May 1949), "On the Increase of Maternity Leave" (26 March 1956) and "On the Basic Rights and Duties of Township Soviets of Working People's Deputies" (8 April 1968), the following procedure shall be established for assigning and paying allowances to pregnant women, mothers of several children and unmarried mothers who are citizens of the USSR:

I. STATE ALLOWANCES TO MOTHERS OF SEVERAL CHILDREN

1. State allowances shall be granted and paid to mothers with two children at the birth of a third and each subsequent child.

2. The state allowances to mothers with more than two children shall be payable in the following amounts (in roubles):

	Lump-sum	Monthly
Mothers of two children on the birth of the third child	20	—
Mothers of three children on the birth of the fourth child	65	4
Mothers of four children on the birth of the fifth child	85	6
Mothers of five children on the birth of the sixth child	100	7
Mothers of six children on the birth of the seventh child	125	10
Mothers of seven children on the birth of the eighth child	125	10
Mothers of eight children on the birth of the ninth child	175	12.50
Mothers of nine children on the birth of the tenth child	175	12.50
Mothers of ten children on the birth of each subsequent child	250	15

3. A lump-sum allowance shall be paid when a child is born, and monthly allowances—from the second year after the birth of a child until it reaches five years of age.

The above allowances shall be granted and paid to a mother regardless of payment of an allowance for her previously born children.

No allowance shall be granted for the husband's children from his previous marriage.[1]

4. When granting a state allowance to a mother of several children, account shall be taken of children born or adopted by her, as well as of the children of her husband and those adopted by him whom she brings up before the age of twelve.

[1] This refers to instances when the wife has no children of her own.

The above children shall also be taken into account if they have been killed or died as a result of a wound, contusion, mutilation or a disease contracted while defending the USSR or performing other duties of military service, while fulfilling the obligation of a citizen of the USSR in saving human life, protecting socialist property and the socialist law and order, or as a result of a labour injury or an occupational disease.

Adopted children shall be counted if the decision on their adoption has been taken in the established procedure before the birth of the child for whom an allowance is requested.

The husband's children and adopted children shall be counted for granting an allowance if, prior to the birth of the child for whom the allowance is requested, the marriage of the spouses was registered and the children were already in the care of the mother. The husband's children not in the care of the mother shall be counted if they have left the family of such mother in order to take up a course of study, work or perform military service in the Soviet Army or are living separately.

5. When granting and paying a state allowance to a mother of several children, no account shall be taken of the children who have died (except for those mentioned in paragraph 4 of the present Regulations) and children in respect of whom she has been deprived of parental rights.

Neither shall account be taken of children adopted by others if the mother has lost her rights and obligations with respect to these children as a result of adoption.

6. Where owing to health or other reasons a mother cannot complete the necessary documents for a state allowance, the allowance due to her shall be granted to the children's father or guardian at their request and shall be paid them until there are no further reasons preventing the mother from claiming her allowance.

After the mother's death the allowance that was due to her shall be granted and paid to the children's father or guardian at their request.

The father of children of a deceased mother shall also be paid the allowance even if the children have been adopted by his second wife with whom he is legally wedded.

7. A state allowance shall also be granted and paid to a mother of several children (the father, guardian) even if she receives a pension or alimony for the children.

II. STATE ALLOWANCES TO UNMARRIED MOTHERS

8. State allowances shall be granted and paid to unmarried mothers for the maintenance and upbringing of children if the birth certificate contains no entry on the child's father or if the entry was made in the established procedure according to the mother's instructions.

9. State allowances to unmarried mothers shall be paid in the following amounts: 5 roubles per month for one child, 7 roubles 50 kopecks per month for two children, 10 roubles per month for three or more children.[1]

Allowances to unmarried mothers shall be granted and paid until the children reach the age of 12 years.

10. Women who were previously married shall be granted an allowance, established for unmarried mothers, for children born of another man prior to or after the dissolution of marriage, the husband's death or disappearance, if the child's birth certificate contains no entry on the father or if the entry was made in the established procedure according to the mother's instructions.

11. On getting married, an unmarried mother shall retain the right to continue to receive the state allowance granted her, as well as the right to be granted an allowance for children born prior to her marriage.

12. A state allowance to unmarried mothers who have three or more children shall be granted and paid them regardless of whether they receive an allowance established for mothers of several children.

13. A state allowance established for unmarried mothers shall not be granted to children for whom the mother receives a pension or alimony, or if the paternity of the child has been legally established, or if the child has been adopted.

14. A woman having children of a person with whom she was not and is not legally married, but with whom she cohabitates, runs a common household and jointly brings up children shall not be entitled to an allowance established for unmarried mothers. Where she registers a marriage with the

---

[1] Besides the above allowances, an unmarried mother may receive, in addition to her salary or wages, an allowance for children of low-income families.

person of whom she has children, no allowance shall be granted and paid for children born of this person.

15. Where an unmarried mother's children are transferred in the established procedure to a guardian (in consequence of the mother's death, illness or some other reason) the state allowance for the children shall be granted and paid to the guardian.

The guardian of an unmarried mother's children shall receive the allowance in the amounts mentioned in paragraph 9 of the present Regulations, depending on the number of children transferred to him for upbringing.

The allowance shall be paid to the guardian irrespective of the pension granted the children for loss of the mother.

16. If an unmarried woman is entered in the birth registry book as the mother of an adopted child the state allowance shall be granted to her as an unmarried mother on general terms, but not earlier than from the month when she was registered as a mother.

III. APPLICATION FOR GRANTING STATE ALLOWANCES TO MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS

17. An application for granting a state allowance shall be submitted in writing to a district (town) social maintenance department, and by residents of a village or a township—to the Executive Committee of the rural or township Soviet of Working People's Deputies, in the applicant's place of domicile.

18. The following documents must be enclosed with the application on granting a state allowance:

a) the birth certificate of the child for whom the allowance is requested;

b) a certificate showing the number of children living with a mother, issued by the house management office or the Executive Committee of a district or town (in towns where there is no district divisioning) Soviet of Working People's Deputies of the mother's place of domicile;

c) a certificate showing the children living separately from a mother, issued by an enterprise, institution, organisation, or

educational establishment at the children's place of work, education or, if sick, medical care or by a military unit at the place of their work (service), as well as by the house management office or Executive Committee of Working People's Deputies, in the place of residence of the children.

Certificates showing the number of children living with a mother must be dated not earlier than a month prior to submission of the application, those concerning children living separately from a mother—not earlier than six months, and from military units—not earlier than a year.

Where an application for granting a state allowance is submitted to the Executive Committee of a rural or township Soviet of Working People's Deputies, no certificate showing the number of children living with a mother shall be required.

The application for granting a state allowance to an unmarried mother shall also be accompanied by a certificate from the registry office (bureau) explaining the grounds for the entry on the father of the child in the birth certificate.

The registry office when registering the birth of a child whose mother is unmarried, in the absence of a joint statement by the parents or a court judgement on paternity, shall issue a certificate, to be presented to the social maintenance department, to the effect that the entry on the father was made in the child's birth certificate by her declaration.

The application for granting an allowance to an unmarried mother which includes her adopted children or her husband's children or adopted children in the mother's care shall be submitted together with the following:

a) a certificate showing the adoption of these children;

b) a marriage certificate for the mother of several children and the children's father.

In the cases mentioned in paragraph 10 of the present Regulations there shall also be enclosed:

a) a certificate on the dissolution of the marriage;

b) a certificate on the husband's death;

c) a certificate or note issued by a military registration and enlistment office (a military unit) or another relevant document stating that the husband is dead or missing.

The application for an allowance to the guardian of children of a mother having several children or an unmarried mother must be submitted together with an extract from the resolution of the Executive Committee of a district, town, township

or rural Soviet of Working People's Deputies on the establishment of guardianship.

19. Where an application for granting a state allowance is submitted to a rural or township Soviet of Working People's Deputies, the latter Soviet shall consider the application and the enclosed documents and shall forward them together with its recommendation to the Commission for granting state allowances to mothers of several children and unmarried mothers within ten days from the submission of the application.

20. In the recommendation for granting a state allowance to mothers of several children or unmarried mothers the township Soviet shall indicate:

a) the denomination of the rural or township Soviet;

b) the surname, first name, patronymic and year of birth of the mother;

c) the surnames, first names and patronymics of all children, as well as the date, month and year of birth and the domicile of each child.

When drawing up the documents for granting an allowance to a mother of several children, the recommendation shall mention the mother's native and adopted children, stepchildren, the husband's adopted children, as well as the date, month and year when the husband's children were adopted by the mother or taken by her for upbringing.

When drawing up the documents for granting an allowance to an unmarried mother, the recommendation shall mention whether the mother was or is legally married, lived or lives together with the person by whom she has a child, whether the person has been established as the father of the child in the statutory procedure, and whether she receives a pension or alimony for the child. The grounds for including the entry on the child's father in the birth certificate shall also be stated.

Should it be recommended to refuse granting an allowance, the rural or township Soviet shall explain the reasons why it may not be granted.

21. The documents necessary for granting a state allowance may be submitted both in the original and in copies attested notarially (by a notary office, by the rural or township Soviet of Working People's Deputies) or by the district (town) social maintenance department.

IV. GRANTING STATE ALLOWANCES TO MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS

22. State allowances shall be granted by resolution of the commission for granting state allowances to mothers of several children and unmarried mothers under the Executive Committee of a district (town) Soviet of Working People's Deputies.

The Commissions for granting state allowances to mothers of several children and unmarried mothers shall be composed likewise of the Commissions for granting pensions to industrial and office workers.

23. An application for granting a state allowance or a recommendation of a rural or township Soviet of Working People's Deputies shall be considered by the Commission for granting state allowances to mothers of several children and unmarried mothers within ten days from submission of the application (recommendation) with all the necessary documents.

24. In case of refusal to grant a state allowance the social maintenance department within five days from a decision thereto shall notify the applicant and explain the reasons for the refusal and the procedure for an appeal, and at the same time shall return all documents. The application for granting an allowance and the recommendation of the rural or township Soviet of Working People's Deputies shall be kept at the social maintenance department.

The decision of the Commission for granting state allowances to mothers with many children and unmarried mothers may be appealed against to the Executive Committee of the district (town) Soviet of Working People's Deputies, which must consider the appeal within a fortnight.

25. An application and a recommendation of a rural or township Soviet of Working People's Deputies for granting a state allowance with all the enclosed documents and the minutes of the commission for granting state allowances to mothers with several children and unmarried mothers together with the decision on granting an allowance or an extract therefrom shall be kept in the personal file of the mother.

Personal files shall be kept at a social maintenance office in the mother's place of domicile, and where there is no such

office—at the Executive Committee of the district (town) Soviet of Working People's Soviets.

26. On the basis of a decision by the Commission for granting state allowances to mothers of several children and unmarried mothers, a social maintenance office shall provide a mother with a personal card within a fortnight from the date a state allowance has been granted.

The form of the personal card shall be established by the USSR Ministry of Finance.

27. If a mother with several children applied for granting a state allowance a year or more after a child is born, she shall be granted and paid the lump-sum state allowance in full and the monthly allowance for the time since the child reached the age of one, but only for a period of six months prior to the month when she filed the application with all the necessary documents to the social maintenance department or the rural (township) Soviet of Working People's Deputies.

If an unmarried mother applies for an allowance six or more months after a child is born, she shall be granted and paid an allowance for the past time but only for a period of six months prior to the month when she filed the application with all the necessary documents at the social maintenance department or the rural or township Soviet of Working People's Deputies.

A lump-sum allowance shall be granted to mothers of several children if they apply for it before a child reaches the age of five years.

28. An unmarried mother who discontinues cohabitation with a person by whom she has a child after the latter is born shall be granted a state allowance from the month when she files an application for an allowance with all the necessary documents.

29. A Soviet citizen who has moved from another country for permanent residence in the USSR shall be entitled to the state allowance established for mothers of several children and unmarried mothers, in the procedure of the present Regulations from the month when she arrived in the USSR.

Mothers of several children and unmarried mothers who are living in the territory of the USSR and have become Soviet citizens, shall be entitled to an allowance from the month when they were granted citizenship of the USSR.

Such mothers are entitled to the lump-sum allowance in the amounts established by paragraph 2 of the present Regulations

unless the child has reached the age of one year by the date when they arrive in the USSR or become citizens of the USSR.

V. PAYMENT OF STATE ALLOWANCES TO MOTHERS OF SEVERAL CHILDREN AND UNMARRIED MOTHERS

30. Payment of state allowances shall be made by social maintenance offices.

The payment procedure for allowances to mothers with several children and unmarried mothers shall be established by the USSR Ministry of Finance in agreement with the USSR Ministry of Communications and the Councils of Ministers of the Union Republics.

Delivery and forwarding of allowances shall be at state expense.

31. Monthly state allowances to mothers of several children and unmarried mothers shall be paid a month in arrears.

32. When a mother with several children or an unmarried mother moves for permanent residence to another district or town, the state allowance shall be paid in this district or town on receipt of the mother's personal file at the appropriate social maintenance office (in the mother's new place of domicile). Payments shall be resumed from the date of their termination at the mother's previous domicile.

The procedure for de-registering mothers of several children and unmarried mothers at the previous domicile and re-registering them at the new one, as well as the forwarding procedure for their personal files shall be established by the ministries of social security of the Union Republics.

33. The allocated state allowance unclaimed by a mother in time may be paid three years in arrears prior to application for the allowance.

Allowance moneys unpaid through the fault of the body granting and paying the allowance shall be paid in arrears without any time limitations.

In the above cases the allowance moneys shall be paid in a lump-sum.

34. No allowance shall be paid for a child of a mother of

several children or an unmarried mother while the child is being fully maintained by the state in a school, nursery school or other children's institution.

35. Under circumstances entailing discontinuance or renewal of state allowance payments or a change in their amounts (such as placing a child at full state maintenance in a children's institution or its return from the latter, adoption, establishment of paternity, cohabitation of an unmarried mother with the child's father or discontinuance of such cohabitation, the child's death, etc.) allowance payments shall be discontinued or renewed, or their amounts shall change from the month following that in which the circumstances arose.

Under circumstances entailing a change of the payment amounts granted to a mother of several children or an unmarried mother, the allowance amounts shall be established by the number of children for whom she is entitled to receive allowance.

36. Mothers of several children and unmarried mothers receiving a state allowance must inform the social maintenance office of all changes in the composition of the family which may affect the payments.

In case of paternity being established and an entry on the father being made in a child's birth certificate, the registry office shall inform the social maintenance office at the place of domicile of the unmarried mother of the changes made.

37. The amount of a state allowance shall be changed by an order of the head of the social maintenance office concerned.

Should the person concerned disagree with such an order, the question shall be solved by the commission for granting state allowances to mothers of several children and unmarried mothers.

VI. GRANTING AND PAYMENT OF MATERNITY ALLOWANCES

39. Each pregnant woman—an industrial or office worker or a collective farmer—shall be entitled to 112 days maternity leave which shall commence 56 days before and be terminated 56 days after childbirth.

In the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to 70 calendar days.

Women who have adopted newborn babies directly from a maternity home shall be entitled to leave for the period since the date of adoption till the expiry of 56 days from the child's birth.

40. A woman industrial or office worker or a collective farmer shall during maternity leave be paid an allowance according to the procedure and amounts established by the legislation in force.

41. Where prenatal leave is granted to young women specialists assigned to a job on graduating from an institution of higher learning or specialised secondary educational establishment or post-graduate courses (if the maternity leave has been granted before they start working), the maternity allowance shall be paid from the date assigned for starting the work. The maternity allowance shall in these cases be calculated on the basis of the salary or wage-rate for the work to which the young woman specialist has been assigned.

42. When a child is born, the mother or the father employed as an industrial or office worker shall be granted a lump-sum clothing allowance out of social insurance funds for the baby of 12 roubles and a feeding allowance for the baby of 18 roubles. The above allowances shall be paid if the baby's mother or father has worked at a given enterprise (institution, organisation) continuously for at least three months prior to the date of the birth of the baby and if the earnings of the parent asking for an allowance do not exceed 60 roubles per month.[1]

Where two or more children are born, the allowances in the above amounts shall be paid for each baby.

The allowance shall be paid to the parents on presentation of the child's birth certificate, a certificate showing the child's domicile, and information on the length of service and earnings.

---

[1] Besides these allowances other allowances connected with maternity may also be paid (for giving birth to a child, for having several children), as well as an allowance to low-income families.

ON THE PAYMENT OF ALLOWANCES FOR THE CHILDREN OF SERVICEMEN ON ACTIVE DUTY

Decision of the USSR Council of Ministers of 25 October 1963 No. 1108

[Extract]

1. To approve the recommendation of the USSR Ministry of Defence on the payment of child allowances to the wives of soldiers, sailors, sergeants and sergeant-majors on active duty, in the following amounts:

a) to permanent residents of cities, towns, townships, workers' settlements, health resorts, and also those living in the countryside, but not engaged in agriculture—15 roubles for one child and 22 roubles for two or more children a month;

b) to permanent residents of the countryside engaged in agriculture—7 roubles 50 kopecks for one child and 12 roubles for two or more children a month.[1]

2. The allowances shall be granted at the domicile of the family of an active serviceman by a commission under the Executive Committee of the district (town) Soviet of Working People's Deputies.

3. Child allowance payments shall be made during the period when a serviceman is on active military duty.

REGULATIONS ON THE PROCEDURE FOR GRANTING AND PAYING ALLOWANCES FOR CHILDREN OF LOW-INCOME FAMILIES

Approved by the Decision of the USSR Council of Ministers of 25 September 1974 No. 752

[Extract]

I. GENERAL PROVISIONS

1. In accordance with the Decree of the Presidium of the Supreme Soviet of the USSR "On the Introduction of

[1] See the previous footnote.

Allowances for Children of Low-Income Families"[1] (25 September 1974), allowances for children under the present Regulations shall be granted and paid to the families of:

a) industrial and office workers of state, social and co-operative enterprises, institutions and organisations;

b) other citizens who are covered by state social insurance, with the exception of persons performing short-term or temporary work;

c) collective-farm members;

d) members of creative unions (writers, composers, artists, etc.);

e) employees of individuals or collectives of citizens (domestic help, watchmen, drivers, etc.), provided that they have concluded a labour contract with the employer and have registered it with the trade union organisation;

f) servicemen, privates and commanders of the organs of the USSR Ministry of Internal Affairs, paramilitary guardsmen of ministries and departments who are not subject to state social insurance, privates and commanders of the special communications service of the USSR Ministry of Communications and communications ministries of the Union Republics;

g) pensioners;

h) students of institutions of higher learning and specialised secondary educational establishments, schools and training courses, post-graduate students and hospital physicians.

2. Citizens entitled to a child allowance may apply for it at any time after the right has accrued without any limitations.

3. Child allowance payments to families mentioned in paragraph 1 of the present Regulations, with the exception of families of collective-farm members, pensioners from among collective-farm members and industrial and office workers employed on collective farms by a labour contract, shall be made at the expense of the state budget transferred to the state social insurance budget. The procedure for allocating resources for child allowance payments to the families of officers, ensigns, warrant officers, re-engaged servicemen, industrial and office workers of the USSR Ministry of Defence, the State Security Committee under the USSR Council of Ministers and

[1] The payment of child allowances to low-income families was introduced from 1 November 1974.

the USSR Ministry of Internal Affairs (including privates and commanders) shall be determined by the USSR Ministry of Finance in agreement with the above Ministries, Committee and the All-Union Central Council of Trade Unions.

The families of collective-farm members, pensioners from among collective-farm members and industrial and office workers employed on collective farms by a labour contract, shall be paid child allowances at the expense of the means of the Centralised All-Union Fund for the Social Maintenance of Collective Farmers.

4. Child allowances shall be exempt from tax.

II. THE RIGHT TO RECEIVE A CHILD ALLOWANCE AND THE AMOUNT OF THE ALLOWANCE

5. Families whose average total income per family does not exceed 50 roubles a month shall be entitled to receive a child allowance.

6. A child allowance shall be granted and paid for each child until it reaches eight years of age.

7. A child allowance shall be granted in the amount of 12 roubles a month.[1]

8. When determining the right to receive a child allowance, the following persons shall be counted in a family: husband, wife, their dependent children under 18 or over, if they receive an allowance as Group I or II invalids from childhood, and also the spouses' non-able-bodied parents if they live with them, do not receive a pension and have no other persons legally bound to maintain them.

Servicemen on active military duty including those serving in military construction detachments shall not be counted as part of a family.

9. For adopted children living together with the adopter, the allowance shall be granted and paid to their adopters equally with their own children.

Children adopted by one person if the rights and duties of one of the parents with respect to these children are preserved at the wish of the mother (if the adopter is a man) or of the father (if the adopter is a woman), shall be counted in

[1] Besides the allowance a mother may, in addition to her earnings, also receive other allowances (see Section V).

determining the right to receive an allowance, according to their actual residence in the family of the adopter or the mother (father).

10. For stepchildren living with a stepparent, the allowance shall be granted and paid to the latter if it has not been granted to the real parents.

When determining the average total income per a family member, the stepchildren living in the family shall be counted equally with the native offspring, unless they have already been counted in the family of their own parents.

11. Guardians shall be entitled to receive an allowance for their wards. When establishing the right to an allowance in such cases it shall not be the incomes of the guardians that must be counted but the pensions, allowances and alimony received for these children, and the incomes of the parents who are not paying alimony.

12. Children who are at full state maintenance (those placed in children's homes, invalid homes, boarding-schools, students of Suvorov military schools and Nakhimov naval schools) shall not be counted as part of the family when establishing the right to an allowance. No allowance shall be granted and paid for these children.

13. Children in respect of whom the parents have been deprived of parental rights shall not be counted as part of the family of such parent(s) when establishing the right for an allowance.

Where the parents live separately, the children shall be counted as part of the family in which they actually live.

IV. APPLICATION FOR A CHILD ALLOWANCE

24. An application for a child allowance shall be filed with the management of an enterprise, institution, organisation, with the command of a military unit or the management of a collective farm.

Pensioners and wives of servicemen on active military duty, who are not employed, citizens mentioned in subparagraph **b** of paragraph 1 of the present Regulations (not employed at enterprises, institutions and organisations), persons stipulated by subparagraph **d** of paragraph 1 of these Regulations, as well

as unmarried mothers, widows and divorced women who are not employed shall submit applications for granting an allowance for children to the district (town) social maintenance department at their domicile.

V. GRANTING CHILD ALLOWANCES

29. A child allowance shall be granted a mother at the place of her work or studies. If a mother does not work or study, the allowance shall be granted her at her husband's place of work, service or studies.

If a mother dies, or if the children live in the family of the father (when the parents live separately), or if a mother has been deprived of parental rights, the allowance shall be granted to the father or guardian.

A child allowance to the families of industrial and office workers or students shall be granted by child allowance commissions organised at enterprises, institutions, organisations and consisting of a representative of the management (commission chairman), a representative of the factory or office trade union committee and the chief accountant.

A child allowance to the families of servicemen (except servicemen on active duty), and officers and men of the organs of the USSR Ministry of Internal Affairs shall be granted by child allowance commissions organised in the procedure laid down by the USSR Ministry of Defence, the USSR Ministry of Internal Affairs and the State Security Committee under the USSR Council of Ministers, respectively.

The families of collective-farm members and industrial or office workers employed on collective farms by a labour contract, shall be granted child allowances by allowance commissions organised by the board of a collective farm and consisting of a representative of the collective farm management (commission chairman), a representative of the collective-farm trade union committee and the chief accountant.

Pensioners who do not work and other categories of citizens mentioned in paragraph 24 of the present Regulations shall be granted child allowances by Pension Commissions organised by the Executive Committees of district (town) Soviets of Working People's Deputies.

VI. PAYMENT OF CHILD ALLOWANCES

40. Industrial and office workers, servicemen, students, as well as officers and men of the organs of the USSR Ministry of Internal Affairs shall be paid child allowances at the place of work, service or studies by the enterprises, institutions, organisations and military units concerned.

The families of collective-farm members and industrial or office workers employed on collective farms by a labour agreement shall be paid child allowances by the collective farm management.

Pensioners who do not work and other categories of citizens mentioned in paragraph 24 of the present Regulations shall be paid child allowances by district (town) social maintenance departments.

Allowances shall be payable to mothers except in those cases given under paragraph 29 of the present Regulations.

41. Child allowances shall be paid to low-income families regardless of whether they are in receipt of other allowances for these children, including those granted in accordance with the Decree of the Presidium of the USSR Supreme Soviet of 8 July 1944 "On the Increase of State Assistance to Pregnant Women, Mothers of Several Children and Unmarried Mothers, on Greater Protection of Mother and Child, on the Establishment of the Mother-Heroine Honorary Title, Maternal Glory Order, and Maternity Medal" and the Decision of the USSR Council of Ministers of 25 October 1963 No. 1108 "On the Payment of Allowances for the Children of Servicemen on Active Duty".[1]

ON IMPROVING THE PROVISION OF MATERNITY AND SICK-CHILD-CARE ALLOWANCES

Decision of the USSR Council of Ministers of 26 July 1973 No. 530

[Extract]

In execution of the Directives of the 24th Congress of the CPSU on the five-year economic development plan for 1971-1975, the USSR Council of Ministers *decrees*:

---

[1] See pages 34 and 149.

1. Maternity allowances shall be paid to women industrial and office workers, including non-trade-unionists, and to women collective-farm members at the rate of full pay regardless of the length of service.

Allowances at this rate shall be paid for the days of maternity leave as from 1 December 1973.

The earnings to be taken as the basis for calculating maternity allowances payable to women industrial and office workers shall be determined by the rules established for calculating temporary disability allowances, without limiting these earnings to a double salary or wage rate.

2. It shall be established that a certificate and allowance for taking care of a sick child under 14 years of age shall be issued for the period when a child is in need of care, but not more than for seven calendar days, whereas unmarried mothers, widows and divorced wives may be granted a certificate and allowance for taking care of a sick child under seven years of age for a period of up to ten calendar days.

A sick-list and allowance for taking care of a sick child of 14 and over shall be issued in the general procedure established for issuing sick-lists and allowances for nursing a sick member of the family.

REGULATIONS ON THE PROCEDURE FOR GRANTING STATE SOCIAL INSURANCE ALLOWANCES[1]

Decision of the Presidium of the All-Union Central Council of Trade Unions of 5 February 1955 in accordance with the Decision of the USSR Council of Ministers of 22 January 1955 No. 113, as amended and supplemented by 1 September 1973

[Extract]

I. GENERAL PROVISIONS

1. In accordance with Articles 120 and 122 of the Constitution (Fundamental Law) of the Union of Soviet Socialist

[1] The amounts payable are given according to the current scale introduced on 1 January 1961.

Republics the present Regulations provide for the payment of the following benefits under state social insurance:

a) temporary disability pension;
b) maternity allowance;
c) lump-sum allowance for the birth of a child;
d) funeral allowance;
e) re-training grant.

III. MATERNITY ALLOWANCES

64. Women industrial and office workers shall be entitled to leave of 56 calendar days before and 56 days after the birth of child. In the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to 70 calendar days.

Women industrial and office workers who have adopted in the established procedure newborn babies directly from a maternity home shall be entitled to a period of leave from the date of adoption till the expiry of 56 days from the date of the child's birth.

Leave in the instances mentioned in the present paragraph shall be granted with payment of an allowance on the basis of a certificate issued by an appropriate medical institution.

65. Women industrial and office workers, non-trade-unionists included, shall be entitled to maternity allowance regardless of the length of service.

66. If a greater or less number of days have passed from the date of the commencement of maternity leave till the date of childbirth than established for a prenatal leave, the allowance shall be paid for all the days actually spent off work. The postnatal leave shall be counted from and including the actual date of childbirth.

67. Should maternity leave start during the period of annual holiday, the allowance shall be paid on the general terms and the annual holiday shall continue on termination of postnatal leave.

If maternity leave has been granted during leave without pay, no allowance shall be paid for the days of such leave. If maternity leave continues after termination of the leave

without pay, the allowance shall be paid from the date of the expiry of this leave.

68. In the case of miscarriage after 196 days of pregnancy the allowance shall be paid on the general terms.

69. A termination of allowance in connection with an operation of abortion shall be paid from the first day of disability to industrial and office women workers whose average earnings during the previous two calendar months prior to the month when the operation of abortion is performed were not higher than 60 roubles a month, and in case of a therapeutic or spontaneous abortion—regardless of the amount of earnings.

In other cases a termination of pregnancy allowance shall be paid from the eleventh day of disability.

The earnings counted when determining the right to a termination of allowance in connection with an operation of abortion shall include all kinds of earnings subject to insurance contributions under the rules in force (during the periods of temporary disability, a sick-pay shall be counted instead of earnings). All accountable payments shall be included in the earnings for the month in which they were actually made.

70. The maternity allowance shall be paid to women industrial and office workers, non-trade-unionists included, at the full rate irrespective of the length of service.

The allowance shall be paid for each calendar month of the leave.

72. The earnings to be taken as the basis for calculating maternity allowances shall be determined by the rules established for calculating temporary disability allowances, without limiting these earnings to a double salary or wage rate.

73. The maternity allowance shall be paid in advance for the whole prenatal period, and after childbirth—for the whole postnatal period.

Where a pregnancy leave which has been paid in advance actually happens to be shorter than the established length, the resulting surplus payments shall be counted as a part of an allowance for the period of a postnatal leave. Where a pregnancy leave actually turns out to be longer than the established period, the corresponding additional payments shall be made.

74. When granting, calculating and paying the maternity allowance, paragraphs 5, 24-30, 31 (excluding the fifth subparagraph), 32-43, 45-51, 56-58 and 62 of the Regulations shall apply without the actual earnings being limited to a double salary or wage rate.

IV. SPECIAL ALLOWANCE FOR THE BIRTH OF A CHILD

75. The special allowance for the birth of a child consists of a lump-sum clothing and feeding allowance.

76. The special allowance for the birth of a child shall be paid to one of the parents (the father or the mother) if he (she) has a continuous length of service of at least three months by the date of the birth of the baby.

When granting the allowance the same Rules shall apply as for calculating the continuous length of service of industrial and office workers when granting state social insurance allowances, approved by the Decision of the USSR Council of Ministers of 13 April 1973 No. 252 (see p. 161).

77. The allowance shall be paid if the average monthly earnings of the parent applying for it do not exceed 60 roubles during two calendar months preceding the month of the baby's birth. All actual earnings shall be counted, including those from the holding of more than one job.

If during the above two months a parent has not worked all the working days due to temporary disability (or if the child's mother has been on maternity leave), the earnings of such days shall be counted as the earnings on the basis of which a temporary disability (maternity) allowance has been calculated.

78. The special allowance for the birth of a child shall be paid regardless of the continuous length of service and the amounts of the parents' earnings to the following workers employed on underground jobs in the coal-mining industry;

a) all workers employed in breakage and development faces, as well as on underground jobs at the construction of mines, provided that they have fulfilled their output quotas for two months prior to application for the allowance;

b) mine foremen, heads and operators of breakage and development faces and their assistants, provided that the faces

or walls which they serve have fulfilled the production plans for two months prior to application for the allowance. (In the version of 22 February 1957).

80. When establishing the right to the allowance, an industrial or office worker shall be considered the father of a child if he is in a registered marriage with the mother of the child.

81. The special allowance for the birth of a child shall be paid should a baby be born after the death of the father who had the right to this allowance by the date of his death. A deceased person shall be considered the father of a child if the latter is born within nine months after that person's death.

82. If the allowance has been granted it shall be paid irrespective of whether the parents subsequently leave the circle of persons entitled to this allowance.

83. In the absence of a child's parents the allowance shall be paid to a guardian.

84. No allowance shall be paid in the case of still-birth.

85. The lump-sum clothing allowance for the baby shall be paid in the amount of 12 roubles. The feeding allowance for a baby shall be paid in the amount of 18 roubles.[1]

Where two or more children are born, the allowances in the above amounts shall be paid for each child.

87. The allowance for the birth of a child shall be granted on the basis of the following documents, which must be presented to the social insurance commission by a parent applying for the allowance:

a) birth certificate issued by the registry office where the allowance is paid;

b) certificate on the domicile of a child.

Data on the earnings of a parent applying for the allowance, as well as his continuous length of service shall be certified by the management of an enterprise, institution or organisation on the back of a child's birth certificate issued at the registry office where the allowance is paid.

---

[1] Besides this allowance a mother may, in addition to her earnings, also receive other allowances connected with maternity (for having many children, as the wife of a serviceman, etc.), as well as a child allowance for low-income families.

88. On the basis of the documents presented and in accordance with the current Regulations the social insurance commission shall establish the right to an allowance and shall write its decision on the back of the birth certificate for the payment of:

a) a lump-sum clothing allowance for the baby in the amount of 12 roubles;

b) a feeding allowance for the baby in the amount of 18 roubles.

After this all the documents submitted to the accounts department of an enterprise or institution shall be returned. The accounts department shall pay the above amounts on the same day.

90. The allowance for the birth of a child which has not been received due to the death of a parent who had the right to that allowance shall be paid to the other parent or another person who is taking care of the child.

REGULATIONS ON THE PROCEDURE FOR GRANTING SOCIAL INSURANCE ALLOWANCES TO COLLECTIVE-FARM MEMBERS

Decision of the All-Union Collective-Farm Council and the Presidium of the All-Union Central Council of Trade Unions of 4 March / 15 April 1970, as amended by the Decision of the Presidium of the All-Union Central Council of Trade Unions and the Presidium of the All-Union Collective-Farm Council of 27 September 1973

[Extract]

7. An allowance in connection with an operation of abortion shall be paid from the first day of disability to a woman collective-farm worker whose average earnings during the calendar year preceding the year when disability occurred were not higher than 60 roubles a month, and in case of a therapeutic or spontaneous abortion—regardless of the amount of earnings.

In other cases the allowance shall be paid from the eleventh day of disability.

11. An allowance for taking care of a sick child under 14 years of age shall be issued for the period when a child is in need of care, but for not more than seven calendar days, while unmarried mothers, widows and divorced wives may be granted sick pay and allowance for taking care of a sick child under seven years of age for a period of up to ten calendar days.

A mother released from work to stay with a sick child in a hospital shall be granted the allowance for all the calendar days during the period off in which under production conditions she would be obliged to work.

31. The allowance for the birth of a child shall consist of a lump-sum equipment and feeding allowance.

33. The special allowance for the birth of a child shall not be paid if the average earnings of the parent are higher than 50 roubles a month during the calendar year preceding the year of the child's birth. The actual earnings, as well as a pension, if any, shall be counted.

36. The lump-sum equipment allowance shall be paid in the amount of 12 roubles.

The feeding allowance for a baby shall be paid in the amount of 18 roubles.

Where twins or triplets are born, the allowance for the birth of a child shall be paid for each baby separately.

RULES FOR CALCULATING A CONTINUOUS LENGTH OF SERVICE OF INDUSTRIAL AND OFFICE WORKERS WHEN GRANTING STATE SOCIAL INSURANCE ALLOWANCES

Approved by the Decision of the USSR Council of Ministers of 13 April 1973 No. 252

[Extract]

1. When granting industrial and office workers state social insurance allowances, a continuous length of service shall be

determined by the duration of the latest continuous job at a given enterprise, institution or organisation. In the cases provided for by the present Rules, a continuous length of service shall also include the time of previous work or other activities.

2. When changing jobs a continuous length of service shall be considered to be preserved provided that the interval between jobs is no more than one month, unless otherwise provided for by the present Rules or other legislation in force.

5. When a labour contract is terminated by pregnant women or mothers with children (including children adopted directly from a maternity home) under one year of age, a continuous length of service shall be preserved provided that work is resumed before the child reaches the age of one.

6. Continuous length of service shall be preserved regardless of the duration of the interval in work:

a) when taking on new work after voluntary resignation as a result of the transfer of the husband or wife to work in another locality.

8. Continuous length of service, besides employment as an industrial or office worker, shall also include:

a) service in the Armed Forces of the USSR, in the organs of the State Security Committee under the USSR Council of Ministers and the USSR Ministry of Internal Affairs, in the people's volunteer corps and partisan detachments, provided that the interval between the date of dismissal from service and the date of entry into employment or studies at an institution of higher learning or specialised secondary educational establishment (including preparatory department), postgraduate and other courses, internship, refresher, or retraining schools does not exceed three months.

For women servicemen discharged from the Armed Forces of the USSR, organs of the State Security Committee under the USSR Council of Ministers and from the Ministry of Internal Affairs of the USSR in connection with pregnancy, the time of service, as well as the period during which they were paid a maternity allowance shall be included in a continuous length of service, provided that they begin to work or study before the child reaches the age of one.

ON THE PRACTICAL APPLICATION OF REGULATIONS FOR CALCULATING CONTINUOUS SERVICE WHEN GRANTING STATE SOCIAL INSURANCE ALLOWANCES TO INDUSTRIAL AND OFFICE WORKERS AS APPROVED BY THE DECISION OF THE COUNCIL OF MINISTERS OF THE USSR OF APRIL 13, 1973 No. 252

Explanation given by the Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions on October 6, 1975, No. 15/24.
(Approved by the Decision of the Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the all-Union Central Council of Trade Unions of October 6, 1975, No. 246/24)

2) A woman in receipt of maternity leave, whose child dies before reaching the age of one year, shall be deemed to have maintained a continuous length of service if she returns to work within a month of the date of the death of her child (paragraphs 2 and 5 of the Regulations)

4) A woman who has been residing abroad as a member of the family of an industrial or office worker, or member of the armed forces sent abroad to work at an institution, organisation or enterprise belonging to the USSR or at an international organisation or on active service, and who returns to the USSR during pregnancy or after the birth of her child and who up to the moment of departure held a continuous length of service, shall be deemed to have maintained that service, under paragraph 5 of the regulations, if she returns to work before the child has reached the age of one year and in the absence of any other special privileges for maintaining continuous length of service as set out in the Regulations.

A woman, who during pregnancy or after the birth of her child has completed a period of study at a higher or specialised secondary educational institution (including the preparatory faculty), post-graduate work or clinical studies or who has had to abandon study at a higher educational institution, research institute or hospital, but has nevertheless graduated from a

professional or technical institute, and who up to the time of entering the institute, etc. had held a continuous length of service, shall be deemed to have maintained that service under the same conditions as above.

5) The wife of a reserve officer sent on active service under article 61 of the Law on Military Service, who is compelled to leave her place of work as a result of her husband's transfer, shall under paragraph 6, sub-paragraph (a), be deemed to have maintained continuous length of service.

REGULATIONS ON THE PROCEDURE FOR GRANTING MATERNITY ALLOWANCES TO WOMEN COLLECTIVE-FARM MEMBERS

Approved by the Decision of the USSR Council of Ministers of 4 November 1964 No. 915, as amended by the Decision of the USSR Council of Ministers of 9 April 1969 No. 265 "On Amending the Procedure for Granting Maternity Allowances to Women Collective-Farm Members" and the Decision of the USSR Council of Ministers of 26 July 1973 No. 530 "On Improving the Provision of Maternity and Child Care Allowances"

[Extract]

I. GENERAL PROVISIONS

1. In accordance with the Law on Pensions and Allowances to Collective-Farm Members, women members of collective farms (including fisheries) shall be entitled to receive an allowance for the time of a maternity leave regardless of the length of service.

2. Under the present Regulations the allowance shall be paid at the expense of the Centralised All-Union Social Welfare Fund of Collective Farmers without any deductions from the incomes of collective farmers. The allowances shall be tax-exempt.

3. Women collective-farm members shall be entitled to a

leave of 56 calendar days before and 56 days after childbirth, and in the event of complications during childbirth or the birth of two or more children the length of the postnatal leave shall be extended to 70 calendar days.

Maternity leave shall be granted against a medical certificate issued in conformity with the rules stipulated by the Instructions of the All-Union Central Council of Trade Unions and the USSR People's Commissariat of Public Health "On the Procedure for Issuing Medical Certificate to the Insured" approved by the Decision of the USSR Council of People's Commissars of 14 August 1937 No. 1382.

In rural localities where there are no physicians, midwives, doctors' assistants, and heads of a medical or obstetric centre, or a collective-farm maternity home may issue medical certificates for granting maternity leave to women collective-farm members, the issuance being subject to subsequent control on the part of the medical section head. The list of such officials who are permitted to issue sick-lists for granting a maternity leave shall be established by regional (territorial) public health departments, ministries of public health of Autonomous Republics or ministries of public health of Union Republics which have no regional divisioning.

4. If from the date of release from work of a woman collective-farm member in connection with granting her a maternity leave, a greater or less number of days have passed till the date of confinement than established for a prenatal leave, the allowance shall be paid for all the days actually spent in prenatal leave. The postnatal leave shall be counted from and including the actual date of confinement.

5. Should maternity leave start during the period of a leave without pay granted by the management of a collective farm at the request of a woman collective-farm member, no allowance shall be paid for the days of such leave. If maternity leave continues after termination of the leave without pay, the allowance shall be paid from the date of the expiry of this leave. No allowance shall be issued for a paid leave.

6. In the case of a miscarriage after 196 days of pregnancy, an allowance shall be paid to women collective-farm members on the general terms.

7. Should a woman collective-farm member systematically absent herself from work without valid reasons and evade social labour, she may be refused an allowance.

II. ALLOWANCE AMOUNTS

8. The allowance for the period of a maternity leave shall be paid to women collective-farm members at full rate.

The maternity allowance may not in any event be less than 40 kopecks for one calendar day of a maternity leave.

III. CALCULATION OF THE ALLOWANCE

9. The maternity allowance payable to women collective-farm members shall be calculated on the basis of their actual earnings at the collective farm, irrespective of the form of payments.

The total earnings shall cover all kinds of earnings (including additional payments), with the exception of the earnings mentioned in paragraph 10.

10. When calculating maternity allowances payable to women collective-farm members, their total earnings shall not include:

a) payments during leave, active duty for training, performance of state or social obligations;

b) temporary disability and maternity allowances;

c) bonuses (including bonuses in kind) not envisaged by the labour remuneration system;

d) daily allowances on business trips;

e) various kinds of lump-sum allowances.

11. When calculating the maternity allowance payable to women collective-farm members, the payments in kind shall be counted according to the state retail prices for the year in which the earnings are determined.

12. The maternity allowance payable to women collective-farm members shall be calculated on the basis of their actual earnings for the calendar year preceding the year in which maternity leave is granted.

The average earnings for calculating the allowance shall be determined by dividing the earnings for the previous calendar year by the number of calendar days in the same year.

The days of temporary disability, the days of a maternity leave, the days of absence from work with full or partial pay (paid leave, training rallies, performance of state or social obligations) shall not be included in the number of days by which the annual earnings are divided.

13. For women who have joined a collective farm in the same year when they are granted a maternity leave, and women who have been members of a collective farm less than a full calendar year for which the earnings are determined in accordance with the first subparagraph of paragraph 12 of the present Regulations, their allowances shall be calculated with due account of their earnings for the whole period of work on a collective farm till the date of the beginning of the leave.

The average daily earnings shall in these cases be determined by dividing the earnings for the whole working time by the number of calendar days during which a woman has been a collective-farm member. The number of days by which the earnings are divided shall not include the periods indicated in the third subparagraph of paragraph 12.

If a collective farm makes advance payments with subsequent recalculation (by the periods, at the end of the year), the maternity allowance shall be calculated on the basis of the advance received by the date of the beginning of the maternity leave; recalculation of the allowance shall be made after settlement with a woman collective-farm member on the basis of her earnings.

If a woman collective-farm member does not receive monthly payments in cash (or in kind), and has work-day units registered on her account, then from the first day of the maternity leave up to the date of pay by work-day units the allowance shall be paid in the minimum amount (paragraph 8); the allowance shall be recalculated after the payment for the work-day units has been made.

14. The total amount of the allowance shall be determined through multiplying the average daily earnings by the number of calendar days of a maternity leave.

15. The allowance to women collective-farm members shall be paid in advance for the whole prenatal leave; the allowance for the whole postnatal leave shall be paid after childbirth.

Where the maternity (prenatal) leave which has been paid for in advance actually happens to be shorter than the established length, the resulting surplus payments shall be counted as a part of the allowance for the period of a postnatal leave.

Where the maternity (prenatal) leave actually turns out to be longer than the established period, corresponding additional payments shall be made.

IV. GRANTING AND PAYMENT OF ALLOWANCES

16. Maternity allowances shall be granted to women collective-farm members by the collective-farm board.

17. The allowance shall be granted and paid to women collective-farm members only on production of medical certificate. Other documents may not serve as grounds for allowance payments.

18. A medical certificate shall be presented by a woman collective-farm member to the collective-farm board which shall consider it within ten days from submission.

The collective-farm board shall fill the first section of a medical certificate and determine in accordance with the present Regulations the right to the maternity allowance, the number of days subject to payment and the total amount of the allowance.

The board's decision on granting the allowance shall be formalised with a protocol, entered into the certificate, signed by the collective-farm chairman and stamped.

When refusing the allowance the collective-farm board shall, within five days from taking the decision, send an appropriate notice to the applicant stating the reasons of the refusal and the procedure for an appeal.

22. A woman collective-farm member may apply for the maternity allowance within six months from the date when her maternity leave expires.

23. Maternity allowances shall be paid to women collective-farm members from the collective-farm funds within five days from the date of granting an allowance. These expenditures shall be quarterly refunded to the collective farm by the district (town) social maintenance department at the expense of the Centralised All-Union Fund for the Social Welfare of Collective Farmers.

The refunding procedure shall be established by the USSR Ministry of Finance.

25. In cases of an unfounded refusal, incorrect determination of the allowance amount or the number of days subject to payment being established within six months from the end of a maternity leave, allowances for the past time shall be paid in whole or in part to women collective-farm members by decision of the collective-farm board.

26. Maternity allowances paid in excess to women collective-farm members may be deducted from the recipient if the surplus payment has been the result of a calculating (arithmetical) error or due to abuse on the part of the recipient (forgeries, erasures in the documents, etc.)

Excess payments shall not be exacted in other cases.

The excess payments shall be deducted from earnings, and where surplus payments are made in granting the prenatal allowance also from the postnatal allowance. The maximum amount that may be deducted from the allowance for a postnatal leave to a woman collective-farm member shall be 20 per cent. Deduction shall be effected on the basis of a decision thereto of the collective-farm board. Such a decision may be passed within three months from the date of granting the allowance if the excess payments have been made due to calculation errors, and without any time limit if due to abuses.

If a woman is not working on the collective farm, the excess payment amount shall be exacted judicially.

Persons guilty of abuses when receiving allowances (forgeries, erasures in the documents, etc.) shall be brought to trial in the established procedure.

27. The maternity allowance which has not been received owing to the death of a woman collective-farm member may be received by the following members of her family:

a) children, brothers and sisters under 18 years of age who were dependents of the deceased;

b) parents and the husband (regardless of their age and ability to work) if they lived together with the deceased or were her dependents.

The allowance which has not been received by the date of death of a woman collective-farm member shall be paid on presenting documents certifying kinship with the deceased. Should several members of the deceased family apply for the allowance the latter shall be divided between them in equal shares.

The allowance that has not been received by the date of death of a woman collective-farm member shall not be included in inheritance property.

Such an allowance may be paid if applied for within six months after the death.

VI. ENSURING THE CORRECT GRANTING AND PAYING OF ALLOWANCES

30. Expenditures on paying allowances made by a collective farm without an appropriate decision of the collective-farm board or in violation of the rules establishing the right to an allowance and the procedure for granting and paying an allowance, or effected on the basis of documents which are not in order shall not be refundable at the expense of the Centralised All-Union Fund for the Social Welfare of Collective Farmers and shall be borne by the collective farm itself.

31. Ensuring the correct granting and payment of maternity allowances to women collective-farm members shall be exercised by regional, territorial and republican councils for the social maintenance of collective farmers.

32. A decision of a collective-farm board may be appealed against at the district council for the social welfare of collective farmers, whose decision shall be final.

Questions of granting, calculating and paying maternity allowances to women collective-farm members shall not be subject to judicial settlement.

ON THE PROCEDURE FOR ISSUING MEDICAL CERTIFICATES TO THE INSURED

Instructions of the All-Union Central Council of Trade Unions and the USSR People's Commissariat of Public Health.
Approved by the Decision of the Council of People's Commissars of the USSR of 14 August 1937 No. 1382, as amended and supplemented by the All-Union Central Council of Trade Unions and the USSR Ministry of Public Health in accordance with the Decision of the USSR Council of Ministers of 22 January 1955 No. 113 and other amendments in the legislation as of 1 September 1973

[Extract]

I. BASIC PROVISIONS

1. Temporary disability of an insured person may be certified only by a medical certificate.

III. MATERNITY LEAVES

18. During pregnancy and childbirth a medical certificate be issued by physicians of prenatal consultation clinics, and where there are none—by obstetrician-gynecologists of general medical institutions. In the absence of such specialists a medical certificate shall be issued by a general practitioner.

When a newly-born baby is adopted directly from a maternity home a medical certificate shall be issued by a physician of the maternity home on presentation of the adoption document.

19. Medical certificates in connection with an operation of abortion shall be issued from the first day of disability to industrial and office women workers whose earnings are not higher than 60 roubles a month, and in case of a therapeutic or spontaneous abortion—regardless of the amount of earnings.

In other cases medical certificates in connection with abortion shall be issued from the eleventh day of disability.

A medical certificate in connection with abortion shall be issued by the doctor who performed the operation with approval of the chief doctor, for a period depending on the woman's state of health.

A certificate on the earnings of an industrial or office woman worker for presentation to a treatment-and-prophylactic establishment shall be issued by the management of the enterprise or institution where she works and signed by the chief manager and accountant.

IV. LEAVE FOR NURSING A SICK MEMBER OF THE FAMILY AND FOR QUARANTINE

20. A certificate for nursing a sick member of the family shall be issued by the doctor who is treating the patient.

A certificate in connection with quarantine shall be issued by a physician-epidemiologist, and in his absence—by a sanitary doctor or a doctor in charge. These sick-lists shall be issued in strict conformity with the Regulations on the Procedure for Granting State Social Insurance Allowances.

21. Certificates for nursing a sick member of the family shall be issued for a period of not more than three days. This period may be extended only in exceptional cases (depending on the seriousness of a disease or living conditions) by a doctor in charge jointly with the chief doctor and only for a limited term.

A certificate for taking care of a sick child under 14 shall be issued for the period when a child is in need of care, but for not more than seven calendar days, whereas unmarried mothers, widows and divorced wives may be issued a certificate for taking care of a sick child under seven years of age for a period of up to ten calendar days.

ON THE ADDITIONAL PRIVILEGES FOR WORKERS IN THE FAR NORTH AND EQUIVALENT AREAS

Decision of the Presidium of the USSR Supreme Soviet of 26 September 1967

[Extract]

To amend and supplement the Decree of the Presidium of the Supreme Soviet of the USSR of 10 February 1960 "On Determining the Privileges for Workers in the Far North and Equivalent Areas", the Presidium of the Supreme Soviet of the USSR *decrees*:

2. For industrial and office workers who have worked not less than 15 calendar years in the Far North and not less than 20 calendar years in areas considered equivalent to the Far North, old-age pensions shall be granted to men on reaching the age of 55 and to women on reaching the age of 50.

5. Where family members of industrial and office workers in the Far North and equivalent areas are employed on seasonal jobs in the same areas, and where women temporarily leave their jobs to take care of pre-school-age children or for health reasons, a continuous length of service entitling them to privileges stipulated by the present Decree shall be summed up.

INSTRUCTIONS ON THE PROCEDURE FOR GRANTING PRIVILEGES TO WORKERS IN THE FAR NORTH AND EQUIVALENT AREAS

Approved by the Decision of the Labour and Wages State Committee of the USSR Council of Ministers and the Presidium of the All-Union Central Council of Trade Unions of 16 December 1967 No. 530/П-28, as amended and supplemented by the Decisions of 21 January 1971 and 7 July 1972

[Extract]

V. PRIVILEGES IN PAYING ALLOWANCES FOR TEMPORARY DISABILITY AND MATERNITY

39. In the event of the temporary disability of industrial and office workers employed in the Far North and equivalent areas (except the cases of temporary disability in consequence of a labour injury or occupational disease) an enterprise, institution or organisation shall pay the difference between the social insurance allowance established by the legislation in force and the actual earnings (including increments).

During maternity leave the difference between the amount of an allowance granted and the actual earnings (including increments)[1] shall be paid.

This difference shall be paid to all industrial and office workers who under the legislation in force are entitled to receive allowances in the event of temporary disability.

40. When a temporarily disabled industrial or office worker stays away from the Far North or equivalent areas, no additional payments shall be made to the allowance, with the exception of cases when industrial or office workers are sent by medical institutions for treatment. Staying at a sanatorium for tuberculosis shall be considered as taking treatment at hospitals.

Industrial and office women workers, when spending a maternity leave away from the Far North and equivalent areas,

[1] Increments to monthly earnings are meant here.

shall be paid the difference between the allowance and the actual earnings in conformity with paragraph 39 of the present Instructions.[1]

VI. PRIVILEGES IN GRANTING STATE PENSIONS

42. All industrial and office workers who have been employed for at least 15 calendar years in the Far North or for at least 20 calendar years in equivalent areas or in total in these localities and in the Far North areas, shall be entitled to old-age pensions: men—on reaching 55 with the total service length not less than 25 years, women—on reaching 50 with the total service length not less than 20 years, regardless of the latest work-place, as well as of the place and time of applying for a pension.

The calculation of 15 and, respectively, 20 calendar years of employment in the Far North and equivalent areas shall be effected by the rules laid down in the Regulations on the Procedure for Granting and Paying State Pensions.

Whether or not a place where a person applying for a pension was employed belongs to the Far North or equivalent areas shall be established by a list of such areas and localities approved by the USSR Council of Ministers and operative on the date of application.

VIII. CALCULATING THE LENGTH OF SERVICE ENTITLING WORKERS TO RECEIVE PRIVILEGES

47. The length of service entitling workers to receive privileges shall not discontinue in the following cases:

q) when women leave their jobs owing to childbirth, provided they resume work within one year from the date of childbirth, and when pregnant women and mothers with children under one year of age take on other work at the place of domicile;

---

[1] In accordance with part 2 of Art. 102 of the Fundamentals of Labour Legislation of the USSR and the Union Republics, the allowance shall be paid for the entire period of the maternity leave at the full rate (Decree of the Presidium of the USSR Supreme Soviet of 10 August 1973).

r) when women, after 1 January 1968, leave their jobs in connection with the health conditions of their school-age children (by a certificate of a medical institution), provided that they resume work within two months after the child has recovered.

49. Where family members of industrial and office workers in the Far North areas and equivalent localities are employed on seasonal jobs in the same areas and localities, a continuous length of service entitling them to privileges shall be summed up.

The time when such persons are employed on seasonal jobs shall be included in their service length entitling them to privileges regardless of the intervals in these jobs.

The same procedure shall apply in summing up the length of service entitling to privileges those women who have temporarily left their work for taking care of pre-school-age children or for health reasons.

INSTRUCTIONS ON THE PROCEDURE FOR PLANNING, DISTRIBUTING AND ISSUING VOUCHERS FOR ACCOMMODATION IN SANATORIA, HOLIDAY HOTELS, REST HOMES AND FOR TREATMENT AT HEALTH RESORTS

Approved by the Decision of the Presidium of the All-Union Central Council of Trade Unions of 5 October 1962.
Partially amended Decision, of the Presidium of the All-Union Central Council of Trade Unions of 1 August 1969

[Extract]

II. PROCEDURE FOR ISSUING VOUCHERS TO INDUSTRIAL AND OFFICE WORKERS

24. Factory and office trade union committees shall issue vouchers free of charge in the first place to industrial workers, working war and labour invalids, nursing and unmarried mothers, blood donors and adolescents, taking account of their financial position.

INSTRUCTIONS OF THE ALL-UNION CENTRAL COUNCIL OF TRADE UNIONS, USSR MINISTRY OF TRADE AND USSR MINISTRY OF PUBLIC HEALTH ON THE ORGANISATION OF DIETETIC (HEALTH PROMOTING) MEALS

Approved by the Decision of the Secretariat of the All-Union Central Council of Trade Unions of 9 August 1968, USSR Ministry of Trade and USSR Ministry of Public Health, as amended and supplemented, in agreement with the USSR Ministry of Trade, USSR Ministry of Public Health, by the Decision of the Secretariat of the All-Union Central Council of Trade Unions of 4 May 1973

[Extract]

III. INDICATIONS FOR PRESCRIBING DIETETIC MEALS FOR PATIENTS

14. Pregnancy toxicosis.

15. Pregnant women and nursing mothers when undernourished or with accompanying diseases.

IV. PROCEDURE FOR ISSUING AND ACCOUNTING VOUCHERS FOR DIETETIC MEALS

19. Vouchers for dietetic meals shall be issued to industrial and office workers, engineers, technicians and collective farmers by factory or office trade union committees at the expense of the social insurance fund on the basis of medical certificates on the patients' need for dietetic meals, and by decisions of social insurance commissions, and where there are none—of factory, workshop or office trade union committees.

Medical certificates that patients are in need of dietetic meals shall be issued by physicians of medical units, polyclinics and other treatment and prophylactic institutions.

As many as 20 per cent of the total number of vouchers shall be issued free of charge, and the remaining 80 per cent shall be partly paid in the amount of 8 roubles 40 kopecks, 9 roubles or 9 roubles 60 kopecks for each voucher depending on the operative zone prices.

Free vouchers for dietetic meals shall be issued according to medical indications in the first place to front-rank workers, working war and labour invalids, employed adolescents, pregnant women, nursing mothers and blood donors, with due account of their financial position.

REGULATIONS ON THE PROCEDURE FOR GRANTING AND PAYING STATE PENSIONS

Approved by the Decision of the USSR Council of Ministers of 3 August 1972 No. 590, as amended by the Decisions of the USSR Council of Ministers of 21 November 1973 No. 852 and 7 March 1975

[Extract]

I. GENERAL PROVISIONS

4. State pensions under the present Regulations shall be granted:

a) for old age;

b) for disability;

c) for loss of the breadwinner.

5. Citizens entitled simultaneously to several pensions (e.g., for old age and for disability) or to pensions from various bodies, shall be granted one pension of their own choice.

II. OLD-AGE PENSIONS

15. Industrial and office workers shall be entitled to an old-age pension:

men—on reaching the age of 60 years with a service length of at least 25 years;

women—on reaching the age of 55 years with a length of service of at least 20 years.

16. Privileged old-age pensions shall be established for:

a) industrial and office workers on underground jobs, on jobs with unhealthy working conditions or in hot workshops—according to a list of trades and industries, approved by the USSR Council of Ministers:

men—on reaching 50 with a length of service of at least 20 years;

women—on reaching 45 with a length of service of at least 15 years;

b) industrial and office workers in other arduous jobs—according to a list of trades and industries, approved by the USSR Council of Ministers:

men—on reaching 55 with a length of service of at least 25 years;

women—on reaching 50 with a length of service of at least 20 years;

c) women workers of textile industry enterprises—according to a list of trades and industries, approved by the USSR Council of Ministers—on reaching 50 with a service length of at least 20 years;

d) industrial and office invalid workers from the number of servicemen who have become disabled in consequence of a wound, contusion or mutilation in defending the USSR or when performing other duties of military service, or in consequence of a disease contracted at the front:

men—on reaching 55 with a length of service of at least 25 years;

women—on reaching 50 with a length of service of at least 20 years;

e) industrial and office workers who have worked for at least 15 calendar years in the Far North or at least 20 calendar years in equivalent areas:

men—on reaching 55 with a length of service of at least 25 years;

women—on reaching 50 with a length of service of at least 20 years;

f) women working as tractor-operators in agriculture and other branches of the national economy, as well as women

operators of construction, road and loading-and-unloading machines—according to a list of trade and industries, approved by the USSR Council of Ministers—on reaching 50 with a length of service of not less than 20 years, including at least 15 years in these trades, unless they are entitled to an old-age pension at an earlier age[1].

17. Women who have given birth to five or more children and brought them up till eight years of age shall be entitled to an old-age pension on reaching 50 with a length of service of at least 15 years, unless they are entitled to an old-age pension at an earlier age[2].

18. Blind industrial and office workers receiving a disability pension shall be entitled to an old-age pension instead of the disability pension: men—on reaching 50 years with a length of service of at least 15 years; women—on reaching 40 with a length of service of at least 10 years.

Blind industrial and office workers who have reached the above age and have the above length of service shall be entitled to an old-age pension even if a disability pension has not been granted to them when they apply for an old-age pension.

Industrial and office workers suffering from hypophysical nanism (dwarfs) shall be entitled to an old-age pension: men—on reaching 45 with a length of service of at least 20 years; women—on reaching 40 with a length of service of at least 15 years.

21. An industrial or office worker who has the required length of service but stopped working before reaching a retiring age, shall be granted a pension on reaching this age.

22. An industrial or office worker entitled to an old-age pension may apply for it while he (she) is working or at any time after leaving work, without any limitations.

---

[1] The procedure for granting pensions stipulated by the present subparagraph was brought into force on 1 April 1975.

See also the Explanation of the State Committee of the USSR Council of Ministers on Publishing, Printing and the Book Trade of 22 March 1976 No. 4.

[2] Adopted children are counted on a par with native children when granting an old-age pension under privileged conditions stipulated for mothers with many children.

III. DISABILITY PENSIONS

28. Industrial and office workers shall be entitled to disability pensions in the cases of:

a) labour injury or occupational disease;

b) general disease.

If disability has set in as a result of injury not connected with work pensions shall be granted in the same way as in the case of disability due to a general disease.

29. Disability pensions due to a labour injury or occupational disease shall be granted to industrial and office workers regardless of length of service.

Disability pensions due to a general disease shall be granted to industrial and office workers with the following lengths of service at the time of application for a pension:

Age	Length of service (in years)		
	Men	Women	Industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops
From 20 to 23	2	1	1
From 23 to 26	3	2	2
From 26 to 31	5	3	3
From 31 to 36	7	5	5
From 36 to 41	10	7	6
From 41 to 46	12	9	7
From 46 to 51	14	11	8
From 51 to 56	16	13	10
From 56 to 61	18	14	12
From 61 and older	20	15	14

Industrial and office workers disabled due to a general disease before reaching 20 years of age, shall be entitled to pensions:

a) if disablement occurs during or after the period of work—regardless of a length of service;

b) if disablement occurs before employment—provided that the service length is at least one year. Industrial and office workers disabled due to a general disease before employment and applying for a pension after reaching 20 years of age shall be entitled to a pension provided that they have a service length required for their age by the time of application for a pension.

IV. PENSIONS FOR LOSS OF THE BREADWINNER

60. A pension for loss of the breadwinner shall be granted to disabled members of the family of a deceased industrial or office worker, student (subparagraph **c** of paragraph 1), post-graduate student, hospital physician, serviceman or pensioner who were his (her) dependents (paragraph 61).

Disabled members of the family shall be:

a) children, brothers, sisters and grandchildren under 16 years of age (students—under 18) or older if they became invalids before reaching 16 (students—18), unless they have able-bodied parents;

b) father, mother, wife, husband, if they have reached old age: men—60, women—55, or if they are invalids;

c) one of the parents or a spouse, regardless of the age and ability to work, if he (she) is taking care of the deceased breadwinner's children, brothers, sisters or grandchildren under eight years of age and is not working.

64. Parents shall be entitled to a pension regardless of when they reach old age or become invalids: before or after the breadwinner's death.

The spouse (wife or husband) of the deceased shall be entitled to a pension, if she (he) reaches old age or becomes an invalid before or within five years after the breadwinner's death. The deceased's spouse who has no major able-bodied children shall be granted a pension regardless of when she (he) reaches old age or becomes an invalid.

V. THE RIGHT TO A PENSION UNDER PRIVILEGED CONDITIONS OR IN PRIVILEGED AMOUNTS

91. Old-age pensions under privileged conditions mentioned in paragraph 16 of the present Regulations or in privileged amounts shall be granted to:

a) industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops—according to a list of trades and industries, approved by the USSR Council of Ministers;

b) industrial and office workers on other arduous jobs—according to a list of trades and industries, approved by the USSR Council of Ministers;

c) women workers of textile industry enterprises—according to a list of trades and industries approved by the USSR Council of Ministers;

d) industrial and office invalid workers from among servicemen who have become disabled in consequence of a wound, contusion or mutilation in defending the USSR or when performing other duties of military service, or in consequence of a disease contracted at the front.

e) industrial and office workers who have worked for at least 15 calendar years in the Far North or at least 20 calendar years in equivalent localities.

Disability pensions under privileged conditions or in privileged amounts shall be granted to:

industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops (subparagraph **a** of the present paragraph);

industrial and office workers on other arduous jobs (subparagraph **b** of the present paragraph).

Air crews of civil aviation and aeronautics shall be entitled to disability pensions on the same grounds which are established for industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops, i.e., according to the list of jobs which entitle workers to a long-service pension, approved by the Decision of the USSR Council of Ministers of 20 December 1958 No. 1372;

f) women working as tractor-operators in agriculture and other branches of the national economy, as well as women operators of construction, road and loading-and-unloading machines—according to a list of trades and industries approved by the USSR Council of Ministers.

92. Old-age pensions shall be granted to industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops under privileged conditions and in privileged amounts if at least half the whole service length required for an old-age pension (subparagraph **a** of paragraph 16) falls on these jobs (regardless of the latest work-place).

Old-age pensions under privileged conditions shall be granted to industrial and office workers on other arduous jobs,

if at least half the total service length required for an old-age pension (subparagraph **b** of paragraph 16) falls on these jobs or on the aggregate of these jobs and underground jobs, on jobs with unhealthy working conditions and in hot workshops (regardless of the latest work-place).

Women workers of textile industry enterprises shall be entitled to old-age pensions under privileged conditions if at least 20 years of the service length required for an old-age pension (subparagraph **c** of paragraph 16) fall on jobs in the textile industry entitling workers to a pension under privileged conditions, or on the aggregate of these jobs and jobs mentioned in subparagraphs **a, b** and **f** of paragraph 16 of the present Regulations (regardless of the latest work-place).

Women working as tractor-operators in agriculture and other branches of the national economy, as well as women operators of construction, road and loading-and-unloading machines shall be entitled to old-age pensions under privileged conditions, if at least 15 years of the total 20 years of service length required for an old-age pension (subparagraph **f** of paragraph 16) fall on jobs as a machine-operator entitling a worker to a pension under privileged conditions, or on the aggregate of these jobs and jobs mentioned in subparagraphs **a** and **b** of paragraph 16 of the present Regulations (regardless of the latest work-place).

In conformity with subparagraph **e** of paragraph 16 of the present Regulations, old-age pensions shall be granted under privileged conditions regardless of the latest work-place, if at least 15 calendar years of the service length required for an old-age pension fall on jobs in the Far North or at least 20 calendar years—in equivalent localities, or at least 20 calendar years fall on the aggregate of jobs in the Far North and equivalent localities. In so doing, use shall be made of the list, effective on the date of application for a pension, of the areas of the Far North and equivalent localities, approved by the USSR Council of Ministers.

93. Pensions for disability arising from a general disease shall be granted to industrial and office workers on underground jobs, on jobs with unhealthy working conditions and in hot workshops at a reduced service length (paragraph 29) and in privileged amounts, if at least half of this service length required for a disability pension falls on the above jobs (regardless of the latest work-place).

Industrial and office workers on other arduous jobs shall be entitled to disability pensions due to a general disease in the privileged amounts, if at least half the total service length required for a disability pension (paragraph 29) falls on these jobs or on the aggregate of these jobs and underground jobs, on jobs with unhealthy working conditions and in hot workshops (regardless of the latest work-place).

94. Disability pensions due to a labour injury or occupational disease shall be granted in the appropriate privileged amounts if the latest job entitles a worker to a pension in such amounts (paragraph 91).

However, if an industrial or office worker has at least half the service length established for a disability pension due to a general disease (paragraph 29) and this service-length half falls on corresponding jobs entitling a worker to a pension in the privileged amounts, a disability pension due to a labour injury or occupational disease shall be granted in privileged amounts regardless of the latest work-place.

ON THE MEASURES TO IMPROVE WORKING CONDITIONS AND TO RETAIN MACHINE-OPERATORS IN AGRICULTURE

Decision of the CPSU Central Committee, USSR Council of Ministers and the All-Union Central Council of Trade Unions of 14 April 1971 No. 222

[Extract]

5. It shall be established that the calculation of old-age pensions to persons who have worked as machine-operators on collective and state farms and other state agricultural enterprises, at water economy and forestry enterprises, as well as at enterprises of the All-Union Board for the Supply of Farm Machinery, Fuel and Fertilisers of the USSR Council of Ministers—men for at least 20 years and women for at least 15 years, shall be done at their wish on the basis of average actual monthly earnings for any five working years in succession as tractor-operators.

ON THE APPROVAL OF THE LIST OF INDUSTRIES AND TRADES ENTITLING WOMEN MACHINE-OPERATORS TO AN OLD-AGE PENSION ON REACHING 50 WITH A SERVICE LENGTH OF AT LEAST 20 YEARS, INCLUDING AT LEAST 15 YEARS IN THESE TRADES

Decision of the USSR Council of Ministers of 21 April 1975 No. 311

[Extract]

Pursuant to the Decree of the Presidium of the USSR Supreme Soviet of 7 March 1975 "On Decreasing Retirement Age for Women Machine-Operators" the Council of Ministers of the USSR *decrees*:

1. To approve the enclosed List of industries and trades entitling women machine-operators to an old-age pension on reaching 50 with a service length of at least 20 years, including at least 15 years in these trades.

LIST OF INDUSTRIES AND TRADES ENTITLING WOMEN MACHINE-OPERATORS TO AN OLD-AGE PENSION ON REACHING 50 WITH A SERVICE LENGTH OF AT LEAST 20 YEARS, INCLUDING AT LEAST 15 YEARS IN THESE PROFESSIONS

I. AGRICULTURE

Tractor-operators (except those permanently employed on trail-type and stationary plants and units).

II. OTHER INDUSTRIES

Bulldozer-operators.

Tractor-mounted peat-machine-operators.

Operators (drivers) of tractor-mounted building, road and loading-and-unloading (except trail-type and stationary) machines.

Operators of tractor-mounted sugar-cane machines.

Excavator-operators.

Tractor-drivers.

Tractor-operators and mechanics.

ON THE SYSTEM OF APPLYING THE LIST OF JOBS AND PROFESSIONS WHICH ENTITLE WOMEN TO RECEIVE AN OLD-AGE PENSION AT 50, PROVIDED THEY HAVE 20 OR MORE YEARS OF SERVICE AT LEAST 15 OF WHICH HAVE BEEN SPENT IN THIS WORK

Explanation given by the State Labour and Wages Committee under the USSR Council of Ministers and the Secretariat of the All-Union Central Council of Trade Unions (AUCCTU) on June 15, 1976, No. 11/17. Approved by the Decision of the Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the AUCCTU June 15, 1975 No 183/17

The Labour and Wages State Committee under the USSR Council of Ministers and the Secretariat of the AUCCTU *state*:

1) The list of jobs and professions which entitle a woman to receive an old-age pension at 50, provided she has 20 or more years of service, at least 15 of which have been spent in this work, shall be applied irrespective of the branch of the economy or ministry to which the relevant enterprise, institution or organisation belongs.

2) In agricultural production the right to a privileged pension shall be guaranteed to women tractor-operators, except those permanently working on trailers, and stationary equipment and assemblies.

Included amongst those deemed to be permanently em-

ployed on trailers and stationary equipment and assemblies are those tractor-operators who service the equipment and assemblies both in the field and at other times.

Women tractor-operators who have worked a whole season in the field (from spring until late autumn) on a tractor or other moving piece of agricultural equipment and women tractor-operators employed on marsh-clearing, peat-extracting and peat-carrying machines mounted on tractor chassis shall be deemed to have completed a full year's service, thus entitling them to a privileged pension provided that during the off-season they have done other work (on trailers or stationary equipment and assemblies or repairing agricultural equipment or marsh-clearing, peat-extracting or peat-carrying machines).

In other types of production the right to privileged pensions for women working a full day depends on the job as given in the list.

3) The list contains only the general name for a particular category of job, for instance, 'excavator-operator'.Therefore all women performing this work have the right to privileged old-age pension irrespective of their title—senior, junior, assistant, etc.

4) Team leaders and assistant team leaders are only entitled to privileged pensions if they are performing one of the jobs included in the list.

5) Under the general heading of 'tractor-operator-mechanic', which was introduced in 1961 are included the following:

bulldozer-operators,
bulldozer- and earth-moving machine-operators,
grader-operators,
combine harvester-operators,
sprinkler-operators, if the machine is mounted on tractor chassis,
flax-and-hemp harvesting machine-operators,
scraper-operators,
tea-harvesting machine-operators,
excavator-operators,
cotton harvesting and flax-harvesting machine-operators and operators of self-propelled wide-gauge hay mowers,
combine harvester mechanics,
tractor-drivers,
tractor- and bulldozers-drivers.

Women workers engaged in the above-listed jobs shall be deemed to be entitled to a privileged pension as stated in paragraph 2 of the present Explanation.

LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON PENSIONS AND ALLOWANCES TO COLLECTIVE-FARM MEMBERS OF 15 JULY 1964

As amended by the Decree of the Presidium of the USSR Supreme Soviet of 26 September 1967 "On Further Improvement of Pension Maintenance" and the Decree of the Presidium of the USSR Supreme Soviet of 3 June 1971 "On the Measures for Further Improvement of Pension Maintenance of Collective Farmers"

[Extract]

Article 6. Collective-farm members shall be entitled to an old-age pension:

men—on reaching 60 with a length of service of at least 25 years;

women—on reaching 55 with a length of service of at least 20 years;

invalids from among servicemen who have become disabled in consequence of a wound, contusion or mutilation in defending the USSR or when performing other duties of military service, or in consequence of a disease connected with staying at the front:

men—on reaching 55 with a length of service of at least 25 years;

women—on reaching 50 with a length of service of at least 20 years;

collective-farm members who have worked in the Far North for at least 15 calendar years or in equivalent localities for at least 20 calendar years:

men—on reaching 55 with a length of service of at least 25 years;

women—on reaching 50 with a length of service of at least 20 years.

Article 7. Women collective-farm members who have given birth to five or more children and brought them up till eight years of age shall be entitled to an old-age pension on reaching 50 with a length of service of at least 15 years.

Article 18. Women collective-farm members, regardless of a service length, shall be entitled to receive an allowance for the time of a maternity leave.

The maternity leave shall be granted for 56 calendar days before and 56 days after childbirth, and in the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to 70 calendar days.

Article 19. Maternity allowances to women collective-farm members shall be determined in the same procedure and at the same rates as the allowances established for industrial and office women workers.

ON GRANTING OLD-AGE PENSIONS OF A PRIVILEGED NATURE TO MOTHERS OF SEVERAL CHILDREN (INCLUDING ADOPTED CHILDREN) REFERRING TO PARAGRAPH 17 OF THE RESOLUTION ON GRANTING STATE PENSIONS AND PARAGRAPH 9 OF THE RESOLUTION GRANTING PENSIONS TO COLLECTIVE-FARM MEMBERS

Explanation of the Labour and Wages State Committee under the USSR Council of Ministers of March 22, 1976 No.4

In accordance with the decree of the Council of Ministers of the USSR (February 18, 1976) the State Labour and Wages Committee under the USSR Council of Ministers *states*:

In accordance with Article 25 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family adopted children, in relation to their adoptive parents, and adoptive parents, in relation to their adopted

children, shall be considered to enjoy the same personal and property rights and duties as natural children to their natural parents and vice versa. At the same time the secrecy of adoption is guaranteed under the law (Article 24 of the Fundamentals of Legislation of the USSR and Union Republics on Marriage and the Family, Article 110 of the RSFSR Marriage and Family Code and the corresponding articles of the MFC of the Union Republics).

Therefore adopted children ought to be considered the equal of natural children when granting old-age pensions of a privileged nature to mothers of several children. The following points should provide guidelines:

if the birth certificate which is taken into account in granting pension registers the woman applying for pension as mother, then the social insurance authorities have no right to take any action which might entail divulging the secret of adoption (such as demanding additional documents for the purpose of determining which children are adopted or the time of their adoption etc.);

if the birth certificate which is taken into account in granting pension does not register the woman applying for pension as mother but she is able to provide proof of adoption, then these children will be taken into consideration when granting the pension, provided that the adoption took place before the child's eighth birthday.

VI

Major International Legal Acts on Women's Rights Ratified by the USSR

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948
[Extract]

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal

rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and

higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Proclaimed by the General Assembly of the United Nations on 7 November 1967

The General Assembly,

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including any distinction as to sex,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialised agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialised agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity and with the welfare of the family and

of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Bearing in mind the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaims this Declaration:

Article 1

Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.

Article 2

All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women, in particular:

a) The principle of equality of rights shall be embodied in the constitution or otherwise guaranteed by law;

b) The international instruments of the United Nations and the specialised agencies relating to the elimination of discrimination against women shall be ratified or acceded to and fully implemented as soon as practicable.

Article 3

All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other

practices which are based on the idea of the inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women, on equal terms with men, without any discrimination:

a) The right to vote in all elections and be eligible for election to all publicly elected bodies;

b) The right to vote in all public referendums;

c) The right to hold public office and to exercise all public functions.

Such rights shall be guaranteed by legislation.

Article 5

Women shall have the same rights as men to acquire, change or retain their nationality.

Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing upon her the nationality of her husband.

Article 6

1. Without prejudice to the safeguarding of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:

a) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage;

b) The right to equality in legal capacity and the exercise thereof;

c) The same rights as men with regard to the law on the movement of persons.

2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

a) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;

b) Women shall have equal rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount;

c) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.

3. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 7

All provisions of penal codes which constitute discrimination against women shall be repealed.

Article 8

All appropriate measures including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9

All appropriate measures shall be taken to ensure to girls and women, married and unmarried, equal rights with men in education at all levels, and in particular:

a) Equal conditions of access to and study in educational institutions of all types, including universities and vocational, technical and professional schools;

b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;

c) Equal opportunities to benefit from scholarships and other study grants;

d) Equal opportunities for access to programmes of continuing education, including adult literacy programmes;

c) Access to educational information to help in ensuring the health and well-being of families.

Article 10

1. All appropriate measures shall be taken to ensure to women, married and unmarried, equal rights with men in the field of economic and social life, and in particular:

a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;

b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;

d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.

3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature, shall not be regarded as discriminatory.

Article 11

1. The principle of equality of rights of men and women demands implementation in all States in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.

2. Governments, non-governmental organisations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

ON THE RATIFICATION OF THE CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

Decree of the Presidium of the USSR Supreme Soviet of 18 March 1954

The Convention on the Political Rights of Women adopted by the General Assembly of the United Nations on 20 December 1952, signed by the Soviet Union on 31 March 1953, approved by the USSR Council of Ministers and submitted for ratification *shall hereby be ratified* with the reservations made by the USSR regarding Articles VII and IX when signing the Convention.

CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

[Extract]

The Contracting Parties,

Desiring to implement the principle of equality of rights for men and women contained in the Charter of the United Nations,

Recognising that everyone has the right to take part in the government of his country directly or through freely chosen representatives, and has the right to equal access to public service in his country, and desiring to equalise the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights,

Having resolved to conclude a convention for this purpose,

Hereby agree as hereinafter provided:

Art. 1 Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Art. 2 Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Art. 3 Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

ON THE RATIFICATION OF THE CONVENTION OF THE INTERNATIONAL LABOUR ORGANISATION No. 100 OF 29 JUNE 1951 CONCERNING EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK OF EQUAL VALUE

Decree of the Presidium of the USSR Supreme Soviet of 4 April 1956

The Convention of the International Labour Organisation No. 100 of 29 June 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, approved by the USSR Council of Ministers and submitted for ratification *shall hereby be ratified.*

CONVENTION No. 100 CONCERNING EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK OF EQUAL VALUE

[Extract]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts on this twenty-ninth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Equal Remuneration Convention 1951:

Article 1

For the purpose of this Section

a) the term "remuneration" includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;

b) the term "equal remuneration for men and women workers for work of equal value" refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2. This principle may be applied by means of:

a) national laws or regulations;

b) legally established or recognised machinery for wage determination;

c) collective agreements between employers and workers; or

d) a combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Section measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.

2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or where such rates are determined by collective agreements, by the parties thereto.

3. Differential rates between workers, which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Section.

ON THE RATIFICATION OF THE CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION (ILO)

Decree of the Presidium of the USSR Supreme Soviet of 6 July 1956

[Extract]

The Conventions of the International Labour Organisation (ILO) submitted by the USSR Council of Ministers for ratification:

15. Convention No. 103 concerning Maternity Protection *shall hereby be ratified.*

CONVENTION No. 103 CONCERNING MATERNITY PROTECTION

(revised in 1952)

[Extract]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fifth Session on 4 June 1952, and

Having decided upon the adoption of certain progress proposals with regard to maternity protection, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts on this twenty-eighth day of June of the Year one thousand nine hundred and fifty-two the following Convention, which may be cited as the Maternity Protection Convention (Revised), 1952.

Article 1

1. This Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

2. For the purpose of this Convention, the term "industrial undertaking" comprises public and private undertakings and any branch thereof and includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, or in the generation, transformation or transmission of electricity or motive power of any kind;

(c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;

(d) undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. For the purpose of this Convention, the term "non-industrial occupations" includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

(a) commercial establishments;

(b) postal and telecommunication services;

(c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;

(d) newspaper undertakings;

(e) hotels, boarding houses, restaurants, clubs, cafés and other refreshment houses;

(f) establishments for the treatment and care of the sick, infirm or destitute and of orphans;

(g) theatres and places of public entertainment;

(h) domestic work for wages in private households; and any other non-industrial occupations to which the competent authority may decide to apply the provisions of the Convention.

4. For the purpose of this Convention, the term "agricultur-

al occupations" includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings.

5. In any case in which it is doubtful whether this Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organisations of employers and workers concerned where such exist.

6. National laws or regulations may exempt from the application of this Convention undertakings in which only members of the employer's family, as defined by national laws or regulations, are employed.

Article 2

For the purpose of this Convention, the term "woman" means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term "child" means any child whether born of marriage or not.

Article 3

1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.

2. The period of maternity leave shall be of at least twelve weeks, and shall include a period of compulsory leave after confinement.

3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

4. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5. In case of illness medically certified as arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

6. In case of illness medically certified as arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

Article 4

1. While absent from work on maternity leave in accordance with the provisions of Article 3, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include prenatal, confinement and postnatal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.

4. The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.

5. Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.

6. Where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits.

7. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total

number of men and women employed by the undertakings concerned, without distinction of sex.

8. In no case shall the employer be individually liable for the cost of such benefits due to women employed by him.

Article 5

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

Article 6

While a woman is absent from work on maternity leave in accordance with the provisions of Article 3 of this Convention, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

ON THE RATIFICATION OF THE CONVENTION ON THE NATIONALITY OF MARRIED WOMEN

Decree of the Presidium of the USSR Supreme Soviet of 28 August 1958

The Convention on the Nationality of Married Women signed in New York by the representative of the USSR on 6 September 1957, approved by the USSR Council of Ministers and submitted for ratification *shall hereby be ratified.*

CONVENTION ON THE NATIONALITY OF MARRIED WOMEN

[Extract]

The contracting States,

Recognising that conflicts in law and practice with reference to nationality arise as a result of provisions concerning the loss or acquisition of nationality by women as a result of marriage, of its dissolution or of the change of nationality by the husband during marriage,

Recognising that, in article 15 of the Universal Declaration of Human Rights, the General Assembly of the United Nations has proclaimed that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality",

Desiring to co-operate with the United Nations in promoting universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to sex,

Hereby agree as hereinafter provided:

Art. 1. Each contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

Art. 2. Each contracting State agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

Art. 3 (1). Each contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalisation procedures; the granting of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

(2) Each contracting State agrees that the present Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

ON THE RATIFICATION OF THE CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION (ILO)

Decree of the Presidium of the USSR Supreme Soviet of 31 January 1961

[Extract]

The Conventions of the International Labour Organisation (ILO) submitted by the USSR Council of Ministers for ratification:

1. Underground Work (Women) Convention, 1935 (No. 45).

2. Convention No. 111 concerning Discrimination in Respect of Employment and Occupation

shall hereby be ratified.

CONVENTION No. 45 CONCERNING THE EMPLOYMENT OF WOMEN ON UNDERGROUND WORK IN MINES OF ALL KINDS

[Extract]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session
on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the employment of women on underground work in mines of all kinds, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international
Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Underground Work (Women) Convention, 1935.

Article 1

For the purpose of this Section, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition—

a) females holding positions of management who do not perform manual work;

b) females employed in health and welfare services;

c) females who, in the course of their studies, spend a period of training in the underground parts of a mine; and

d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

CONVENTION No. 111 CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

[Extract]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, hav-

the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights, adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

1. For the purpose of this Convention the term "discrimination" includes

a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

(a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;

(b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;

(c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;

(d) to pursue the policy in respect of employment under the direct control of a national authority;

(c) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;

(f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist,

determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

SUBJECT INDEX

Agriculture

— employment of women in skilled labour in agriculture—94-95
— additional leave for women tractor-operators employed in agricultural production—94
— lower standard output for women machine-operators working on tractors, combines and complex agricultural machines—95
— list of jobs and mechanisms where predominantly female labour is recommended—95-98
— working conditions of women tractor and lorry drivers—98-99

Alimony

— obligations of spouses in respect to mutual maintenance—50, 57, 64, 70
— exaction of alimony for children by court—64-66, 70-72

Allowances

— state allowances to mothers of several children—35, 134-35, 137-43
— state allowances to unmarried mothers—35, 51, 136-37, 137-43
— granting and paying allowances in connection with pregnancy and childbirth (maternity allowances)—143-44, 150-51, 152-54, 160-66
— payment of the difference between the amount of a maternity allowance granted and the actual earnings in the Far North and equivalent localities—169
— allowances for children of active duty servicemen—145
— allowances for children of low-income families—145-50
— allowances for taking care of a sick child—150-51
— allowance in case of miscarriage—153
— allowance in connection with an operation of abortion—153
— allowance in connection with the birth of a child—154-56
— rules for calculating a continuous length of service of industrial and office workers when granting allowances under state social insurance—157-58
— allowances under social insurance to collective-farm members—156-57, 184-85

Average earnings

— retention of average earnings by pregnant women, nursing mothers and women with children under one year of age during transfer to another job—77-82
— retention of average earnings during intervals for nursing mothers—78,85
— procedure for calculating average earnings retained by pregnant women and mothers with children when they are

transferred to another job—119

Certification

— exclusion from regular qualification certification of pregnant women and mothers with children under one year of age—102

Children

— tasks of the Fundamentals of Legislation on Marriage and the Family—48
— tasks of the Code on Marriage and the Family of the RSFSR—53
— protection of the interests of children—31-36
— grounds for the origination of the rights and duties of parents and children—50
— establishment of the origin of a child of parents not in registered wedlock—50-51
— registration of parents in birth register—50, 58
— exaction of alimony for children by court—64-66, 70-72
— allowances for children—see: *Allowances*
— day-time intervals for nursing mothers—77, 84-85
— rooms for nursing babes—86

Children's establishments

— network of institutions for the upbringing of healthy children—32, 86
— institutions for maintenance of children with development defects—33
— right of an unmarried mother to place her child at a children's establishment for upbringing at state expense—35
— privileges for unmarried mothers when paying for the maintenance of their children in kindergartens and crèches—42
— procedure for admitting children and adolescents to boarding schools and children's homes—44-45

Collective-farm members

— rights of women collective-farm members in connection with pregnancy and maternity—131-32
— social insurance allowances—156-57
— regulations on the procedure for granting and paying maternity allowances to women collective-farm members—160-66
— pensions to collective-farm members—184-85

Collective farms—see: *Collective-farm members*

Competition

— exclusion of pregnant women, nursing mothers and women with children under one year of age from a reelection schedule of professorial and teaching staff—104
— prohibition to carry out competitions for filling regular positions of creative workers in theatres and arts collectives occupied by pregnant women and unmarried mothers with children under three years of age—104-05

Continuous length of service

— rules for calculating a continuous length of service of industrial and office workers when granting allowances under state social insurance—157-60
— summation for women who have temporarily left their jobs in the Far North and equivalent localities to take care of children, of a continuous length of service entitling them to privileges stipulated for these areas—169

Conventions

— Convention on the Political Rights of Women—195
— Convention of the International Labour Organisation No. 100 concerning Equal Remuneration for Men and Women for Work of Equal Value—196-98
— Convention of the International Labour Organisation No. 103 concerning Maternity Protection—198-02
— Convention on the Nationality of Married Women—203
— Underground work (Women) Convention, ILO 1935 (No. 45)—204-05
— Convention of the International Labour Organisation No. 111 concerning Discrimination in Respect of Employment and Occupation—205-08

Criminal responsibility

— for impeding the exercise of equality of women—29-30
— for refusal to employ or dismissal of a pregnant woman or a nursing mother—30

Days off

— prohibition to employ on days off pregnant women, nursing mothers and women with children under one year of age—77,82

Declarations

— Universal Declaration of Human Rights—188-91
— Declaration on the Elimination of Discrimination against Women—190-94

Democracy—24

Dismissal

— prohibition to dismiss pregnant women, nursing mothers and women with children under one year of age—78, 85

Dissolution of marriage—see: *Termination of marriage*

Employment

— of women whose husbands have been called up to active military service—42
— of pregnant women, nursing mothers and women with children under one year of age after dismissal on the initiative of the management due to a shutdown of an enterprise—78, 85
— of service men's wives, pregnant women and mothers with children under one year of age, after graduation from institutions of higher learning and specialised secondary educational establishments—101
— of service men's wives, pregnant women and mothers with children under one year of age on completing post-graduate courses—101-02

Equality

— of woman and man in all spheres of social life—28-29
— in family relations—48, 53
— in labour relations—75, 78

Factory or office trade union committee

— participation of the factory or office trade union committee in organising female labour protection—121

Health hazardous and arduous working conditions

— jobs where female labour is prohibited—76, 80-81, 87, 90-93
— underground jobs where employment of female labour is permitted as an exception—89-90
— jobs where pregnant women and nursing mothers may not

be employed—105-8, 110
— working conditions of women tractor and lorry drivers—98-99
— regulations on the distribution of medical-prophylactic meals in connection with especially hazardous working conditions—116-17

Intervals during working hours

— daytime intervals for nursing mothers—77, 84-85
— recommendations on the organisation of intrashift work-and-rest regime for women in construction—112-13

Labour contract

— guarantees of employment for women—75, 78-79
— prohibition of refusing employment to women on the grounds of pregnancy or nursing a baby—78, 85
— jobs where female labour is prohibited—76, 80-81, 87, 90-93
— underground jobs where employment of female labour is permitted as an exception—89-90
— prohibition to dismiss pregnant women, nursing mothers and women with children under one year of age—78, 85
— list of diseases and physical defects excluding employment of women on strenuous manual jobs—114-15

Labour protection—see: *Health hazardous and arduous working conditions. Medical examinations. Norms for carrying weights. Night work. Overtime work*

Management

— obligation of the management to secure labour conditions for women—see: *Transfer to another job. Labour contract*
— issuance of vouchers for sanatoria and rest-homes and rendering material aid to pregnant women—85, 171-72
— facilities for women at enterprises and organisations with an extensive use of female labour—86

Marriage

— conditions of concluding a marriage—54
— termination of marriage—see: *Termination of marriage*

Marriageable age—54-55
— reduction of the marriageable age—54

Maternity

— protection and encouragement of maternity—31-36
— the right of women to decide the question of maternity—43
— tasks of the Fundamentals of Legislation on Marriage and the Family—48
— tasks of the Code on Marriage and the Family of the RSFSR—53
— privileges for nursing mothers and women with children under one year of age—76, 77, 78, 79-80, 82, 83-86, 101-7

Maternity Leaves

— length of a maternity leave—77, 83
— granting of an annual leave together with a maternity leave—83
— additional leave without pay for mothers with children under one year of age—77, 83, 117-18
— leaves for women who have adopted newborn babies—83-84
— payments during a maternity leave—see: *Allowances*

Medical examinations

— when entering courses of trac-

tor and lorry drivers and working on these jobs—98-99

Minors

— maximum permissible weights to be carried and moved by minors—115-16

Night work

— restrictions on female labour with regard to night work—76, 79, 82

Norms for carrying weights

— maximum norms for carrying and moving weights by adult women—81
— recommendations on the limitations of the weight of load to be carried by women in construction—112, 113
— maximum permissible weights to be carried by minors—115-16

Organised recruitment of labour

— proportion of women in the composition of workers employed in the procedure of organised recruitment—99

Overtime work

— prohibition of overtime work for pregnant women, nursing mothers and women with children under one year of age—76-77, 79, 82
— restrictions on overtime work for women with children from one to eight years of age—77, 82

Parents

— grounds for the origination of the rights and obligations of parents and children—50
— establishment of paternity—50-51, 60-62, 70
— registration of parents in birth registers—50-51, 58
— equality of the rights and obligations of both parents—51, 58, 63
— deprivation of parental rights—66, 70-73
— restoration of parental rights—66

Pensions—old-age pensions—173-74
— right to a pension under privileged conditions—173-75, 177-84
— disability pensions—175-6
— pensions for loss of the bread-winner—177
— pensions to collective-farm members—184-85

Pregnancy—criminal responsibility for refusal to employ or dismissal of a pregnant woman—30
— right of a wife to receive alimony during pregnancy and after dissolution of marriage—57
— inpermissibility for a husband to apply for dissolution of marriage during the pregnancy of the wife—50, 57
— prohibition of night and overtime work, work on days off and travelling assignments for pregnant women—76-77, 82
— transfer of pregnant women to easier jobs—77, 82, 108-10
— maternity leaves—77, 83
— prohibition to dismiss pregnant women on the initiative of the management—78, 85
— jobs where pregnant women may not be employed—105-8, 110
— issuance of vouchers for sanatoria and rest-homes and rendering material aid to pregnant women—85
— indications for prescribing dietary meals for pregnant women—172
— inclusion of the period of a maternity leave in the length of service entitling workers to an additional leave in connection with hazardous working conditions—120

— employment of pregnant women after graduation from institutions of higher learning and secondary educational establishments of the USSR—101
— employment of pregnant women on completing post-graduate courses—102 see: *Certification. Competition*

Property—jointly owned property of spouses—49, 56, 67-69
— determination of shares in jointly owned property of spouses in case of division of property—56-57, 68-69
— property belonging to either spouse prior to marriage—57

Remuneration of labour

— prohibition of reduction in pay for reasons of sex—76, 80

Responsibility, criminal—see: *Criminal responsibility*

Spouses

— right of spouses to choose a surname when concluding a marriage—49, 55
— right of spouses to resolve jointly the questions concerning family life, occupation, profession and place of domicile—49, 56
— community property of spouses—49, 56, 67-69
— determination of shares in community property of spouses in case of division of property—56, 68-69
— personal property of spouses—57
— obligations of spouses in respect to mutual maintenance—50, 57, 64, 70
— prohibition for a husband to apply for dissolution of marriage—50, 57
— reversion by a divorced spouse to her (his) premarital surname—63

Standard output

— lower standard output for women machine-operators working on tractors, combines and complex agricultural machines—94-95
machines—94-95

Supervision and control over the observance of the legislation on female labour

— controlling and supervisory bodies—86-87
— trade union technical inspectors—127
— social control over the observance of legislation on female labour—128

Temporary disability leaves

— leaves during pregnancy and childbirth—77, 83, 167
— leaves for nursing a sick member of the family—167-68

Temporary transfer to another job—see: *Transfer to another job*

Termination of marriage

— prohibition for a husband to apply for dissolution of marriage—50, 57
— dissolution of marriage in a court—62-63, 69, 70
— adjudication of disputes on the upbringing of children when a marriage is dissolved—63, 64
— dissolution of marriage at a registry office—63, 69
— reversion by a divorced spouse to her (his) premarital surname—63

Trade Unions—see: *Supervision and control over the observance of the legislation on female labour*

— Commission of the AUCCTU Presidium for Work among Women—121-26
— rights of women trade union members who have temporari-

ly stopped working for taking care of children—132
— rights of women members of mutual aid funds under trade union committees who have temporarily stopped working for taking care of children—132

Transfer to another job

— transfer of pregnant women, nursing mothers and women with children under one year of age to easier jobs—77, 83, 108-10
— inclusion of the time when women perform jobs where they were transferred due to pregnancy, nursing a baby or taking care of children under one year of age, in the length of service entitling workers to an additional leave in connection with hazardous working conditions—120
— procedure for calculating average earnings retained by pregnant women and mothers with babies when they are transferred to another job—119

Travelling assignments

— prohibition of travelling assignments for pregnant women, nursing mothers and women with children under one year of age—76-77, 82
— restrictions on travelling assignments for women with children from one to eight years of age—77, 82

Working time

— part-time work—76, 79, 100
— granting part-time jobs primarily to women taking care of children—100-01
— prohibition of summing up working time during a year's period for pregnant women and nursing mothers—120

REQUEST TO READERS

Progress Publishers would be glad to have your opinion of this book, its translation and design and any suggestions you may have for future publications.

Please send all your comments to 17, Zubovsky Boulevard, Moscow, USSR.